

## SPEECH

OF

HON. LEWIS CASS, OF MICHIGAN,

IN THE SENATE OF THE UNITED STATES, MARCH 17, 1848,

*On the Bill reported from the Committee on Military Affairs to raise, for a limited time, an additional Military Force.*

Mr. CASS said:

Mr. PRESIDENT: Before I proceed to the more serious part of my undertaking, I beg to make a few remarks somewhat personal to myself. And I am induced to do so in consequence of an allusion made the other day by my friend from Delaware, [Mr. CLAYTON,] (for I am sure he will permit me to call him such,) and which, I frankly confess, I did not take in very good part. The Senator said I was, or had constituted myself, the champion of the Administration, and that I had blown a trumpet and uttered a note of defiance—that I had thrown down a glove, which he, in the spirit, I presume of chivalry, had taken up. Now, sir, all this is incorrect. I gave no challenge; I assumed no championship; I uttered no note of defiance. The very thing, which the Senator from Delaware supposes I did, was the very thing I feel I could not have had the folly to do. I said, on the introduction of the army bill, that in presenting it, I should not touch any of the disputed points which divide our two great political parties, but I thought, from appearances, which could not be misapprehended, that these would be introduced by others. I said further, that the discussion of the great topics of the day, respecting the war, could not be avoided, though I had hoped they would be postponed till this necessary bill was passed; but that at any rate, however severe might be the attack, I trusted it would be as earnestly met, and easily repelled. This is the substance of my remarks, sir, and I must say to the honorable Senator from Delaware, that he has not a little surprised me by deducing from them the conclusion, that I had constituted myself the champion of the Administration, and that I had brought on a controversy by the very terms, with which I disclaimed any such intention. Why, sir, I knew all this would come, and so did every member of the Senate. I knew that the course of the Administration would be severely assailed on the other side of the Chamber, and my conviction was not the less certain, that it would be promptly met on this side and easily repelled. But I trust I did not say, certainly I did not think, it would be repelled by me. I knew that task was committed to better hands than mine. I knew there were faithful sentinels on this side of the Senate; able and experienced statesmen; prompt, powerful, and fearless debaters, who have passed much of their lives in these legislative encounters, and who

would defend with energy, and I believed with success, those measures, which met the entire approbation of the great party, to which they belong. It is in no spirit of affected humility, that I feel I have no right to assume the duties of men like these. My life has not been passed in such scenes as this. The early and more active portion of it was spent amid the toils and privations and exposures of a new country, and not a little of it upon the very verge of civilization, and even beyond it, where duties far different from those committed to us here, called me and occupied me. A vote of the Senate has placed me, contrary to my own wishes, at the head of the Committee on Military Affairs, and if, in the discharge of its duties, I can lend any aid towards what I consider the best interests of my country in the situation in which she is placed, I shall be satisfied, without making the vain attempt attributed to me by the Senator from Delaware. So much for my championship. It is not my glove, which the honorable Senator has picked up, but his own.

There is one subject upon which the honorable Senator from Delaware challenges us all to mortal combat, and which he considers

“the spring  
Of woes unnumbered;”

and that is, the permission for the return of Santa Anna to Mexico. I shall not enter, sir, into the serious defence of this measure. I leave that to the President himself; and I think he placed it upon impregnable ground in his message on this subject. If not, no man is more capable of showing the failure than the Senator from Delaware; and as he has not done it, I may safely conclude that it is not to be done. But I beg leave to make one remark, for the consolation of all who have made the return of Santa Anna such a peculiar subject of grief. He has proved himself the best Mexican general for us, who could have been selected; and has well justified the anticipations of the President, if such speculations could have entered into the question of his return. Why, sir, if he had been nominated to the Senate, and the result could have been foreseen, he would have been unanimously confirmed. He has been defeated in every battle he fought, lost every position he attempted to hold, and is now a wanderer, without power or influence, having seen his country overrun, her capital taken, her armies dispersed,



conversed with one of our ablest generals upon this subject, and he considers 20,000 men necessary to the defence of the Rio Grande frontier.

From the Passo del Norte to the Gulf of California, the Senator from South Carolina thinks that one regiment and a few small vessels of war would be an adequate protection against Mexicans and Indians. What effect armed vessels can have in the defence of a line, which stretches six hundred miles beyond them, as I do not comprehend, I will not stop to inquire. Their guns would probably command the beach, off which they might anchor, if they anchored near enough. But I do not believe, that a Mexican guerilla would place himself within their reach in order to cross a line open to him in all directions. As to the regiment, if equally divided, its numbers fit for duty would probably give one man to every mile of distance between the Passo and the Gulf; certainly not more.

In his annual message, the President has presented with great force the objections to this proposition. I shall not repeat them, for they must be fresh in the recollection of the Senate. They seem to me to prove, beyond question, the impolicy of establishing such a line, and the impracticability of holding it. With no natural boundary; with no defensive stations; (for how many could a few hundred men occupy and defend?) with a boundless region on both sides; with the necessity of bringing supplies through long, difficult, and exposed routes; and with the ever-consuming disorders of the climate—how could such a line be defended with such a force? Our troops must be in detachments, or they can afford no protection; while the enemy may be in masses, and bring their whole force to operate upon a part of ours. If we are defeated, we are destroyed; for we have no reinforcements to order up, nor to fall back on. Our point of support might be one thousand miles off. If the enemy are defeated, they retire beyond an enchanted line, where danger cannot come.

But after all, what good would this do, even if the line could be defended? How would it bring peace? What possible motive would the Mexicans have to make peace in such a state of things? They have it at all times, when they desire it; for the line is a Chinese wall, beyond which we may look indeed, but must not pass. For if we should pass it, we should that moment abandon our plan, confess its inefficiency, and commence a new system of operations to recover the ground from which we had retreated, before entering upon this dangerous experiment. We assume our line. We take a position behind it, covering the country we intend to hold. It is a *sine qua non*; and we will not treat with Mexico, till she relinquishes all right to the region we claim. What, then, has she to gain by peace? No territory, for all we hold we keep; no honor, for that is compromised by the cession; no exemption from the evils and calamities of war, for she is just as secure behind the line, while the *status quo* lasts, as she would be, if a treaty were signed, sealed, ratified, and promulgated. If she choose to sit still, there is peace; if she choose to attack us, she attacks us, and, if successful, follows up her advantages, till she strikes a decisive blow; but if unsuccessful, she retires behind her barrier, and awaits a better opportunity to renew her efforts. Such a state of things would be interminable, for anything I see. No Government could

maintain it. No public sentiment could bear it. Mexico would have every motive to continue it, because the chances of the future might give her success, and restore her territory; whereas they could do her no injury, and in the mean time she would not put the seal to her own dishonor.

The Senator from Virginia [Mr. HUNTER] proposes a line for a different purpose—as a base of military operations. His line, if I understand it correctly, would run considerably south of the one proposed by the Senator from South Carolina, accommodating itself to the natural barriers of the country, but still stretching from the Gulf of Mexico to the Pacific Ocean. He estimates the force necessary to occupy and defend this line at twenty thousand men; and to keep that number in actual service, he supposes thirty thousand must be provided for. Well, sir, this is a large force, equal to the force we now have in the interior of Mexico. I have made some inquiry from intelligent persons who have returned from California, respecting the nature of the country which these two lines would traverse. I find the interior of it is very little known, but it is certainly a broken, barren region, and many portions of it destitute of water. How troops are to be maintained under such circumstances, unless at an enormous expense, I do not understand; and as the Senator proposes it, not as a defensive line, but as a base of operations, when an army once takes its positions along it, what is it to do? A base of operations I understand to be a line, along which an army moves with some definite objects, and upon which it establishes its depôts of supplies, necessary to its plan of operations. These must be protected and secured, and a communication thus kept up, so that provisions and ammunition may be always within reach. These lines of operation are bases, whence the movements of hostile armies are made. They penetrate into the country which is invaded, and are not lateral lines, like the one proposed by the honorable Senator, which would run some hundreds of miles through a trackless forest. What is an army to do stationed along such a line? To push its operations into the enemy's country, with a view to assail and overrun it? We have got a much better line than that now, and a much shorter one, too, which runs from Vera Cruz to the capital, and whence the whole republic is open to our military efforts—a line supplied with vastly more ease, maintained with much less difficulty, and enabling us at any moment to strike where we please. Now, sir, if we cannot terminate this war successfully, by maintaining our present base of operations, nothing can be clearer than that we cannot terminate it by adopting the line proposed by the Senator from Virginia. A line like that, covering so many degrees of a great circle of the globe, has never been known in military operations since the wars of the giants; and as our history of that period is rather confused, the events which then passed will not furnish us with any lessons, that can now be useful.

As to the defence of a line between coterminous countries, it rests upon very plain principles. If the countries are at war, one or the other, or both, will attempt to cross it. Neither will remain behind their line for the avowed purpose of defending it, unless, indeed, one of them is so weak that offensive measures would be impracticable. If an



irruption is made, the party making it has necessarily some military operations in view, which, if successful, it pursues, but if unsuccessful, it abandons and returns. The defence of the line itself, in this state of things, becomes a secondary object, yielding to ulterior considerations, involved in the plans of operations. An invading force, if repelled, must be followed, and if followed, must be pursued to its places of refuge or the battle-field, where the fate of arms must decide the contest. Any contest between nations, involving other principles, would be irreconcilable with public sentiment, and incompatible with the plainest dictates of policy. No, Mr. President, let us go on in the old-fashioned way—I will not say the good old-fashioned way, because the term would be inapplicable and improper; but I will say the approved old-fashioned way—and wage this war as our fathers waged war before us, and as our sons will probably wage it after us, if driven to this last appeal of nations. Let us discard these untried plans, and place our faith in experience, not in experiments. Let us push our operations, firmly as need be, but mercifully as may be, till we have conquered enough of the country to overcome obstinate injustice, and thus to conquer a peace.

But a principal object of the Senator from South Carolina seems to be, to place the Administration in the wrong in the measures it has directed to be taken, for levying contributions for the support and subsistence of our army in Mexico. To do this, he has commenced with what I consider a fundamental error, that when we enter an enemy's country in war, we take with us all the powers of our own Constitution. If it is meant by this, that an invading army has a right to exercise all the powers fairly derivable from the Constitution, and relating to a state of war, the proposition is true, but entirely useless for the purpose of the honorable Senator's argument. But if it is meant, that the guarantees of the Constitution accompany the army and operate upon the movements of our troops in a hostile country, nothing can be more erroneous in principle, or would be more injurious in practice. The slightest reflection will satisfy any one, that the extension of our constitutional guarantees over countries occupied by our armies would be utterly subversive of all the rights of war. We could not march a step without finding impediments, that could not be overcome. The provisions of the Constitution are :

"That Congress shall have power—

"To declare war, grant letters of marque and reprisals, and make rules and regulations concerning captures on land and water.

"To raise and support armies.

"To make rules for the government and regulation of the land and naval forces."

The Constitution further provides that—

"The President of the United States shall be commander-in-chief of the army and navy," &c.

These are all the provisions of the Constitution bearing upon the war-making power.

In the whole history of our legislation there are but two provisions respecting the conduct of our forces in foreign countries, and these are coeval with the Government, having been first passed in 1775; and again in 1806, and forming thus a permanent part of our military code. These two provisions are in articles fifty-one and fifty-five of the

rules and articles of war. The former declares that—

"No officer or soldier shall do violence to any person, who brings provisions or other necessities to the camp, garrison, or quarters of the forces of the United States, employed in any parts out of the said States, under pain of death, or such other punishment as a court-martial may direct."

The latter declares that—

"Whoever, belonging to the armies of the United States employed in foreign parts, shall force a safeguard, shall suffer death."

Here is our whole written legislation, constitutional or congressional, upon this subject.

Now, sir, like other nations, we are liable to war; and when engaged in it, we are entitled to all the rights, which that condition brings with it. Nor do I believe, that those rights are in the smallest tittle diminished, because we choose that our Chief Magistrate should wear a hat and not a crown, to follow out an allusion made this evening by a distinguished Senator. Our army, in the prosecution of war, enters a hostile country. What may it do there? Originally, in the early ages of the world, the right of conquest included an unlimited right to seize and dispose of the persons and property of all the people subjugated by its arms—Hear the earliest Jewish historian :

"And we took all his cities at that time, and utterly destroyed the men and the women, and the little ones; of every city, we left none to remain."

"Only the cattle we took for a prey unto ourselves, and despoiled the cities, which we took."

In the progress of time, however, better sentiments prevailed, and humanity endeavored to check, if not the progress of conquering armies, at least the evils that followed in their train, by laying down rules for assuaging the calamities of war. These conventional rules, established by the general concurrence of civilized nations, now constitute that part of the law of nations applicable to this subject. To be sure, they are liable to be violated, and when not violated, to be narrowed in their operations by controlling circumstances; but their general obligation no one of the present family of nations calls in question.

I repeat, what may our army do in a hostile country? It may do anything proper to promote the objects it has in view, which is not prohibited by its own Government, or by the laws of nations. It goes forth to battle and to conquest. Its effort is to subdue the enemy by all the aggressive means it can exercise. To injure him, when, how, and where it can, subject only to the limitation I have laid down, in order to compel him to accept the terms of peace prescribed by its Government.

But in the practical exertion of these powers we are met, *in limine*, by a suggestion of the honorable Senator from South Carolina, [Mr. CALHOUN,] that it is the conqueror to whom they belong, and that this conqueror is the sovereign, and the sovereign in the United States is the people, who alone can exercise these high attributes, or at any rate some of them. It may be remarked, however, that they do not belong to the conqueror, as such, but to the enemy; whether an invading army is advancing or retreating, victorious or defeated, its rights are still the same, and belong to it as long as the last band composing it remains in arms upon hostile territory. But let that pass. The Senator also says, that the people in this country are the sovereign. I shall take no issue with him upon



that proposition; I concede it in the fullest extent. It is one of the first lessons we learn after leaving the cradle; it is as broad in its operation as this broad land, and the sentiment itself is probably one of the last we abandon in life. But, sir, what then? The Senator will not require the sovereign people of the United States to exercise all their rights, either of peace or war, in person. This is done, and must be done, by their agents, civil and military, who are responsible to them and controlled by the laws they choose to establish. And if our sovereign may not exercise all the just powers of war by our military officers, which a European sovereign may exercise, in person or by proxy, it follows that countries with monarchical forms of government have important rights of independence, which do not belong to us. I dissent, *toto cælo*, from any such doctrine, and from any principles necessarily leading to it. We stand on the broad platform of national equality, and will not yield the smallest particle of our rights to foreign pretensions, royal or imperial.

Well, sir, our army commences its operations. It may overrun the whole hostile country, doing all those deeds of distress and death which it must do, to a great extent, to accomplish the objects of its destination. Whence does it derive the right to do all this, let me ask the Senator from South Carolina? Not from the Constitution and the laws, except from the general powers I have quoted relating to war; for there is not a single specific grant in our whole code, looking even to such a state of things. Let him, or any one else, put his finger upon that clause of our statute book, which authorizes an American soldier to kill a Mexican, to burn a house, or to seize and hold a city, or to do the thousand and one acts of violence, which go to make up the condition of war. Well, then, even without specific powers from our sovereign, our army may do these deeds, simply because a war exists, and they are its proper incidents. No other grant is necessary. Our sovereign says to our armed citizens, I am at war; go forth and maintain the honor and interest of your country. Now, having shown what an army does and may do, I may call upon the honorable Senator to show what it may not do, within the limitations I have laid down. He will acknowledge it may kill a Mexican, not because it is expressly authorized to do so by law, but because that act is proper in its operations, and is allowed by the general laws of warfare. The right to levy supplies, whether of money, of provisions, of forage, of clothing, of the means of transportation, and of other objects not necessary to be enumerated, belongs to the state of war. No one will deny that fact. It accompanied the first and the last army, that ever entered the battle-field, and will accompany every one, that may hereafter follow in the same career. In Europe it has been common, in later years to subsist and support armies in the enemy's country, and there have been cases, and, I believe, not a few of them, where they have sent home to the national treasury large sums collected during their progress. The Allies, on the downfall of Napoleon, levied upon France a contribution of 1,500,000,000 of francs. Whenever a European army enters an enemy's country, it calls upon the municipal authorities of each city and town to contribute such supplies in kind and such amount of money, as it

chooses to demand, under the penalty of military execution. That threat, I believe, has never yet failed. No one calls in question the right of our troops to take supplies in kind as an incident to war. Let those who maintain the distinction, either in principle or practice, between supplies in kind and in cash, show it, and show where is the power to demand the one, and not the other.

Why, sir, the error of the Senator from South Carolina I conceive to be this: He seems to think, that an express grant of power from the sovereign of the country is necessary to the exercise of some of the rights of war. If to some, they are to all; for the most acute mind can draw no line between them—I mean between those usually exercised in legitimate warfare. As to the power of the sovereign to restrain the use of these means of carrying on war, or to prohibit them entirely, there can be no doubt. Congress, the legislative agents of our sovereign, may at any time establish an entire code for the conduct of our armies in hostile countries, and may restrict their powers within the narrowest limits. The question, however, is not what Congress may do, but what it has done. It has yet done nothing of the kind, and our troops are free to act as the good of the country may require, and as the incidents belonging to a state of war fairly permit. The exercise of these powers is of course vested in the commanding officer, unless directed or restrained by superior authority at home. The President is the constitutional commander-in-chief, and whether present or absent, may direct the operations of our armies and prescribe the mode of conduct they shall adopt. He has done so in the present case.

I see no difference, sir, in the application of the general principle arising out of the mode in which a contribution is enforced; whether it is levied by the agency of our own officers or of Mexican officers, the power is the same, and whether upon municipal authorities, upon classes, or upon individuals. The fairer and the more equal is the mode, the less is the injury and the greater the satisfaction. And an American army, of all other armies, should seek to attain its object with the least distress. The contribution is an assessment, and all must pay it, who are subject to the rules of war. And it is the nature and not the name of the thing, which determines its true quality. Call it as you please, tax, duty, impost, supply, contribution, or what not, it is a forcible demand of private means, made by an army in an enemy's country, of such a nature and amount as the commander of the army may direct, rendered more acceptable in the present instance by being levied and collected in conformity with the Mexican laws, and thus accommodating itself as far as possible to Mexican usages. There never was a better form of contribution, than that which we have adopted—one more equal in its operation, or less oppressive in its administration.

[The following authorities in support and illustration of these positions on the subject of contribution in an enemy's country, are here introduced, because the doctrine itself is called in question, as one not laid down in the laws of nations, or sanctioned by the practice of nations, to the extent here advanced, and to that authorized by our Government in Mexico. A distinction has also been taken between contributions and taxes, and the power to



levy one and not the other, which is here shown to be without foundation:

*Contribution*—in military history, is an imposition or tax paid by countries who bear the scourge of war, to secure themselves from being plundered and totally destroyed by the enemy, &c.—*James's Military Dictionary*.

*Contribution*—in military history, is an imposition or tax paid by countries who suffer the afflictions of war, to redeem themselves from being plundered and totally destroyed by the enemy; or when a belligerent prince, wanting money, raises it by contribution on the enemy's country, and is either paid in provisions or in money, and sometimes in both.—*Duane's Military Dictionary*.

*Contribution*—3, in a military sense, impositions paid by a frontier country, to secure themselves from being plundered by the enemy's army; or impositions upon a country in the power of an enemy, which are levied under various pretences, and for various purposes, usually for the support of the army.—*Welster's Dictionary*.

*Contribution*—3. That which is paid for the support of an army lying in a country.

"The people 'twixt Philippi and this ground,

Do stand but in a forced affection;

For they have grudg'd us contribution."—*Shakspeare*.

*Johnson's Folio Dictionary*.

*Vattel* says, that "whoever carries on a just war, has a right to make the enemy's country contribute to the support of his army, and towards defraying all the charges of the war."

*Wheaton* also recognizes the same doctrine, and says: "The private property on land is also exempt from confiscation, with the exception of such as may become booty in special cases, when taken from enemies in the field, and of military contributions levied upon the inhabitants of a hostile territory."

Now, sir, what is the objection to this? I understand there are two reasons urged by the Senator from South Carolina against the course of the Administration on this subject. The first constitutional, and the second political. With respect to the first, if I comprehend the train of reasoning pursued by the Senator, he considers the contributions required by our army in Mexico as taxes, and their collection as an exercise of the tax-levying power conferred only upon Congress by the Constitution. I cannot, sir, for myself, doubt for a moment that that provision of the Constitution is confined to the United States. As I have already remarked, if the guarantees of that instrument accompany our armies, we may just as well abandon all attempts to carry on offensive operations abroad, as our armies could not march a foot, without finding themselves surrounded with insuperable obstacles. Congress may undoubtedly prescribe the mode, in which forced impositions shall be collected in an enemy's country. But it may do that, not under the tax-levying power, but under the war-declaring, and thence war-regulating power. It may put an end to the practice, and when it regulates or prohibits it, its decision becomes the law of our armies, for a strict observance of which, every one, within his proper sphere, is responsible; but until Congress does interfere, the right and its exercise depend on the principles I have stated, and not upon analogies, verbal or substantial, applicable only to a different state of things. I cannot but remark, however, sir, that if any one, who has doubts upon this question, will run his eye over the Constitution, he will see at a glance, that its powers and protections are intended, not for a foreign country, but for our own. That would be a strange construction indeed which would give to the Mexicans the right "to be secure in their persons, houses," &c., "to a speedy and public trial by an impartial jury," &c., and to all the other political blessings, which make our

Government what it is. And who shall divide the Constitution, and tell us what portion operates abroad, as well as at home? That the whole of it does not follow our armies is clearly shown from the consequences, which would flow from such a construction. There is but one practical solution of the difficulty, and I use that word difficulty in deference to the opinions advanced by gentlemen of the most powerful intellect, and not because I feel the slightest doubt myself; and that solution is to confine the Constitution to our own country, except where its provisions obviously extend abroad; and this brings us again to the war-making power, which would enable Congress during the continuance of hostilities to provide at its discretion for the government of countries held by our armies.

The political objection, urged by the honorable Senator against the exercise of this power, is founded in the dangers, which might result from it. Well, sir, there is danger in such a power. There is danger in all war powers. The distinguished Senator, in a speech last session, which few will ever forget, who heard it, depicted with his peculiar force the danger of triumphant generals returning with conquering armies; even his graphic description did not appal me, for our generals and our armies are but constituent portions of our people, and I trust for many a generation will mingle with the mighty mass of American freemen, without delay, and without reluctance, as soon as their military duties are terminated. But there are greater dangers than these, and first among them is the loss of national honor. Discard your military means, because the plains of liberty are filled with the crumbling monuments of republics, overthrown by a disloyal soldiery, and where would be your own safety in these days of national ambition and aggrandizement?

From my own views of our institutions, and from the opinion I have formed of the character of the American people—formed during an active life, passed under circumstances, which brought me into contact with men of all opinions and pursuits—I consider the destruction of this Government by military usurpation as one of the very last evils which threatens us; to be apprehended only when our necks are prepared for the yoke, and when it will matter little, who puts it on.

The President may abuse his power, says the Senator. Certainly he may, and so he may abuse any power; but powers must be granted, though they may be abused. If any one fears that result now, let him prepare a legislative remedy to prevent it. As that is not my case, I shall not volunteer my services for such a work; but I am prepared at any time to look into the whole matter, and to hold all who have taken part in it to a strict accountability. The President desires nothing else, nor his political friends for him; and I predict, that any investigation will but commend the Administration the more to the confidence of the country. But let not a most important right belonging to the American people, and one which may be essential to their military success be cast to the winds, because some time or other, or some where or other, abuses may grow out of its exercise.

In our investigation into the origin of this war, there are two separate questions, which present themselves for consideration; one, which may be



termed external, and the other internal. The former connects itself with us as a people, whose character and conduct have been arraigned before the world, and the latter concerns ourselves alone, as it relates to the course of the Executive in the earlier measures, which led to the war. The war itself may be just, and we stand acquitted of every charge of aggression; while the President may have passed beyond the limits of his constitutional duty, and assumed to direct, where Congress alone had the power to act. By far the most important question touches the character of our country, and this involves the justice of the war. The subject itself is a fruitful one, and has been so often examined and exhausted, that it requires some moral courage to discuss it, even briefly. I shall endeavor to compress my remarks within the narrowest space, confining myself, as much as may be, to propositions, rather than to illustrations.

Had we cause of war against Mexico? It has been said, and upon this floor, that to give just cause of war, there must be a clear right, coupled with a "sort of necessity," before a resort is had to this extreme necessity. Such general considerations, however, as this, amount to very little in guiding the conduct of nations, as a slight analysis of this principle will show. The honorable Senator himself, who advanced it, [Mr. PEARCE, of Maryland,] concedes that we had a clear right, and if a "sort of necessity" to enforce it had been coupled with this, we should have stood justified in the eyes of the world, had we declared war against Mexico years ago. And what is this "sort of necessity," without which the right is to remain barren? Why, I take it, if thirty years of aggression on one side and of remonstrance on the other, do not constitute this necessity, it would be vain to seek it in any war undertaken in modern times.

The fact is, sir, the question of war is a complicated one, into which considerations of right and of expediency enter largely, if not equally. If one nation injures another, and refuses or unreasonably delays to make satisfaction, this gives to the injured Power just cause of war. But whether she shall undertake it, depends upon her own position—on that of her adversary—on the magnitude of the injury; and, frequently, on other circumstances, political or financial, which it would be useless to specify, and impossible to enumerate. Nations must and will judge for themselves under these circumstances, as well of the right itself, as of the "sort of necessity" there may be of enforcing it. The right once established, and that the gentleman himself concedes in this case, the resort to force is a question, rather of discretion, than of morals, as it is a remedy consequent upon the violation of national rights. It is too late to tell us, sir, that we had no just cause of war. Successive administrations of the Government and the voice of the American people have pronounced an irrevocable judgment upon that question.

Our complaints against Mexico commenced nearly with the commencement of her independence. They go back to the year 1817, and come down to the present day in almost one uninterrupted series of outrages. I shall not state them *serialim*, nor enter into the detail of their nature and extent. This has been repeatedly done, and the official documents are before the country. I will merely classify, from an able report made by Mr. Forsyth in

1837, the various heads of complaints, which will present the general aspect of the subject.

1. Treasure belonging to citizens of the United States has been seized by Mexican officers, in its transit from the capital to the coast.

2. Vessels of the United States have been captured, detained, and condemned, upon the most frivolous pretext.

3. Duties have been exacted from others, notoriously against law, or without law.

4. Other vessels have been employed, and in some instances ruined, in the Mexican service, without compensation to the owners.

5. Citizens of the United States have been imprisoned for long periods of time, without being informed of the offences, with which they were charged.

6. Other citizens have been murdered and robbed by Mexican officers on the high seas, without any attempt to bring the guilty justice.

General Jackson, in a message to Congress in 1837, stated that these causes of complaint "would justify, in the eyes of all nations, immediate war." This sentiment was fully concurred in by the Committee of Foreign Relations of the House of Representatives, who said "that ample cause exists for taking war into our own hands; and we believe that we shall be justified in the opinion of other nations, for taking such a step."

President Van Buren, in December, 1837, distinctly told Congress that redress was beyond the reach of the Executive, and could only be obtained by the action of Congress, which action must of course have been war.

As to the conventions, which have since been made by the two countries, and violated by Mexico, I need not enter into their history. They are fresh in the recollection of all. These three conventions, by the infidelity of the Mexican Government, have proved nearly fruitless; and after thirty years of injury on the one side, and of remonstrance on the other, there is nothing left to us but to abandon all hope of redress, or to obtain it by a vigorous prosecution of the war. Who, then, shall say to us, that we have commenced a war unjustly, which was in fact commenced by the enemy, and which, even had it been declared by us, would have been justified by the practice of nations, and by the injuries we had sustained?

I do not intend, Mr. President, to be led into the discussion of any polemic, respecting the wickedness of war. I leave that to the schools and the debating societies. I am content, and if not, I am compelled, to take things as they are, as they have been, and as they will be. Sent here as practical men, to deal with the interests of our country, we must not be diverted from the true path marked out by the experience and usages of the world, by crude speculations and misplaced philanthropy. We were aggrieved and injured, and could obtain no redress; and we were entitled to take our remedy into our own hands, in order to obtain that justice, which was pertinaciously withheld from us. The most superficial reader of modern history—the most casual observer of passing events, must know, that outrages far less flagrant in their character than those committed by Mexico against us, have occasioned half the wars of modern times.

But, sir, I am well aware that these considerations apply only to our just right to declare war



against Mexico at any time, within the last twenty years. We did not commit the offensive. Mexico herself struck the first stroke, and why? Because Texas was annexed to the United States. I recollect the gentlemen on the other side of the Chamber thought there was some fluttering in our ranks, when this avowal was first made. But there was none whatever, sir. We concede the proposition in its fullest extent, that this annexation was the cause of war. How then, sir, stands this great question, as to the justice of its commencement?

I will not trespass upon the patience of the Senate by presenting this subject in all its details. I will again compress my views into a series of propositions, and thus spare your time and my own.

Texas, a constituent portion of the Mexican Republic, declared itself independent, as Mexico, a constituent portion of the Spanish monarchy, had done before it, and asserted and maintained its rights by a revolution.

The war between these two Powers continued for some time, with varying success, till 1836, when a Mexican army, led by the chief magistrate of the republic, was conquered, and dispersed or made prisoners, and the commander himself captured.

After the month of June of that year, Texas continued in the undisturbed possession of her independence, and no effort was made to reduce her, not a single Mexican party, with the exception, I understand, of two predatory incursions, having since ever made an inroad into her territory. The war was in fact at an end.

In the mean time, the independence of Texas was acknowledged by the United States, and by some of the other principal Powers of the world; and she was permitted to take her equal station among the nations of the earth.

In cases of revolution, where one portion of a nation is endeavoring to separate itself from another, while the contest is going on, and each party is exerting itself to attain its object, it is the duty of other Powers to look on, and not to interfere in favor of one side or the other. But there is a limit to this duty. Such contests cannot be permitted forever to continue. The peace of the world forbids it, and there are instances on record, where other nations have said: This struggle has continued long enough; it must now be terminated, and the revolting people be secured in their independence. But there is still another limit to this duty of non-interference, and that is, the abandonment by the original government of all attempts to reduce by force its revolting citizens. The abandonment of the remedy is the abandonment of the right. The peace of the world cannot be put to hazard by the pertinacious obstinacy of any nation, which holds on to nominal claims, without the power and the disposition to maintain them. The neutral duties exist only *flagrante bello*. And when the war ceases, the previous relations of the two States cease, and they become like other nations, "enemies in war, in peace friends." When Texas was annexed to this Confederacy, this was her relation to Mexico, and she had the same right to form treaties of alliance or annexation, as had the people from whom she had separated. "If these things are so," the union of Texas and this coun-

try was no just cause of offence to Mexico, and gave her no right to complain of our conduct.

And this view is fortified by an incident, clearly indicative of the public opinion in Mexico of the value of her right to subjugate Texas. While the question of annexation between this latter Power and the United States was pending, Mexico offered to acknowledge the independence of Texas, if she would engage not to join the American Confederacy. This offer was in fact the very acknowledgment it proposed to make conditionally. It conceded the inability of Mexico to enforce her claim of sovereignty, while it asked, as the condition of recognition, the surrender of the right to direct its future political destiny, as might seem most acceptable to its people.

So much for the general subject of annexation, and the rights and duties growing out of it.

But it has been said, not in Mexico, but here, that the origin of this war was not in the annexation of Texas, but because we carried her boundary to the Rio Grande, and took possession of the country between the Nueces and that river. Who says this, Mr. President? Not the government or people of Mexico, but citizens of our own country, who find a cause of offence for the enemy, which they have failed to discover for themselves. The Nueces is an American, not a Mexican boundary. The Texas of Mexico was Texas to the Sabine, with no intermediate boundary. In all the communications with the Mexican Government, as I have had occasion to say before, no distinction is made between the Nueces and the Rio Grande. And the occupation by our forces, of the country between these rivers, was never presented as an exclusive cause of complaint, nor indeed noticed in any manner whatever. It was the annexation and occupation of Texas, and not of any particular portion of Texas, which led to the reclamations, and finally to the hostilities of Mexico. It was a question of title, and not of boundary; a claim of right, which went for the whole, and would never be satisfied with the relinquishment of a part. When the act for annexation passed, the Mexican minister in this country immediately protested against that measure; declared it to be just cause of war, and at the same time demanded his passports, and left the country. And the Supreme Government of Mexico, in March, 1846, informed Mr. Slidell, that it looked upon "annexation as a *casus belli*;" and, as a consequence of this declaration, negotiation was, by its very nature, at an end, and war was the only recourse of the Mexican Government." And, in conformity with these views, forces were collected on the Rio Grande, in order that Mexico might take the "initiative" in hostilities against us, to borrow the expression of General Paredes in his orders to the commanding general. And, sir, these warnings and threatenings were no vain declarations. Mexico said what she would do, and she did as she said. She declared to us, that if we annexed Texas she would go to war. We annexed Texas, and she went to war. As early as April, 1846, and before the movement of General Taylor could have been known in Mexico, her President directed the general upon the frontier to "attack" our army by every means, which war permits.

Who, then, sir, has a right to say, what the Mexican Government has never said—that they



went to war, not because we annexed Texas, but because we took possession of the country west of the Nueces? In all the diplomatic correspondence between the two Governments, there is no allusion to that river, nor is any greater claim advanced to one of its banks, than to the other. Why, then, when our country is summoned to trial at the bar of the public opinion of the world, why should the American Senate swell the catalogue of an enemy's grievances, and make out a better case for Mexico than she has made for herself? In our endeavor to do right to others, let us not do wrong to ourselves. Let us distrust our own judgment, when we find ourselves inclined to take a more favorable view of the cause of Mexico, than she has taken for herself. Let us yield to justice what we refuse to patriotism. There is no want of shrewdness in Mexican statesmen. They have made the best of their own case; and if they have omitted the passage of the Nueces in the catalogue of their wrongs, we may be sure it was no special wrong in their eyes; and that it was not because we crossed that river, but because we entered Texas, that our enemy attacked us, and thus commenced the war.

The question of the title of Texas to the country extending to the Rio Grande has been several times elaborately discussed before the Senate, but never more ably than by the honorable Senators from Maryland and Texas, [Messrs. JOHNSON and RUSK.] I listened with great pleasure to their expositions, and I am content to leave the subject, where they left it, altogether satisfied with the views they presented, and equally satisfied, that I can add nothing to their force or clearness.

What judgment, then, are we to pronounce upon the measures, which were directed to be taken by the President, previously to the commencement of the war by Mexico? This question is in fact a double one, involving two considerations: one, affecting our relations with other countries, and the other our own institutions only. The former touches our character and conduct before the nations of the earth, while the latter relates only to ourselves.

This war was commenced by Mexico, that is, Mexico first attacked our troops; but I agree, that if we pushed an armed force within the Mexican frontier without cause, that measure throws on us the guilt of this war. How stands this matter?

1. It seems now to be generally agreed on all hands, that the mere annexation of Texas gave to Mexico no just cause of war, and it follows, that if its boundaries extended to the Rio Grande, then we did only what we had a right to do in marching our forces to that river, and are not responsible for results. Both of these points I have noticed, and the last has been conclusively established by the excellent views taken of the title of Texas by the Senators, to whom I have referred.

2. If the title to the country from the Nueces to the Rio Grande was in dispute between the parties—and I believe no one here has ventured to deny, that we had some well-founded claims to it—and Mexico was preparing to take possession of it, we had a right to anticipate her, and thus to assert our own title.

3. But taking the strongest ground against ourselves, that we had no title whatever to the Rio Grande still we had a right to go there, if we con-

sidered such a measure necessary to our defence, and if the preparations of Mexico announced a design to attack us.

Did they announce such a determination? No one here, sir, will deny that fact. I shall not detain the Senate with the various proofs, spread through the history of our intercommunication with Mexico, from the first suggestion respecting annexation, till her army crossed the Rio Grande in order of battle. The protest of her minister here—the declaration of her Government—its formal annunciation to the European diplomatic agents accredited to it—the public order of its generals, and the collection and movement of its forces, left no doubt of its designs, and if they had, the result would have disclosed them.

The movement of our troops, under these circumstances, became a defensive measure; for, as has been well remarked by the honorable Senator from South Carolina, [Mr. BUTLER,] it is not necessary for the justification of a nation, that it should await an impending attack. That power, in fact, commences the war, which makes the first threatening preparations for it, and not the one, which merely strikes the first stroke. If a government collects its forces, marches them to its frontier, and makes public preparations for passing it, and thus for war, at the same time openly avowing its determination to commence it, both the reason of mankind and the usage of nations, authorize the people, whose peace is thus threatened, to anticipate their adversary, and to repel the threatened attack, by an attack of their own. This course is strictly defensive, and modern history abounds with examples, illustrative of the principle.

So much for the question between us and Mexico, as to the commencement of the war.

As to the internal question relating to the conduct of the President, it admits of but one answer. That cases may occur, in which it is his duty, under his constitutional power, to repel an actual or threatened invasion before Congress can act upon the subject, no one can doubt; and for myself, I could never see any just constitutional or legal objections to the course he pursued in this whole affair. But there is one other consideration, which is decisive, and that is, that the orders for the movement of the troops to the Rio Grande were given by the President on the 13th of January, 1846, and thirteen days before that, an act of Congress had been passed recognizing our jurisdiction west of the Nueces. It was the duty of the Executive to carry it into effect, and thus consider the boundary of Texas, as extended beyond that river.

As the "initiative" was taken by our adversary, we took the defensive, and, the attack being inevitable, it was for us to choose where to receive it. Such, I repeat, is the law of nations, and such the practice of nations.

So much for the commencement of the war.

I had anticipated many modes of attack upon the Administration, and many avowed causes of censure; but I must confess I had not anticipated the charge of the honorable Senator from Maryland, [Mr. JOHNSON,] that the Administration had proved itself feeble or inefficient, and that the war had not been vigorously prosecuted. I am not going, sir, to undertake a refutation of this charge. I leave that to the people, who sent us here, and



the measure of whose glory has been filled by brilliant achievements, which will yield in their renown to few, if any, of the great martial feats of our age. "We have had an ostentatious and asserted vigor," says the honorable Senator, "but we have had nothing else, so far as the President is concerned."

An ostentatious and asserted vigor! Well, this is a strange world, and in my time I have seen and heard many strange things in it, but I have heard few stranger things than this. The act recognizing war was passed on the 13th day of May, 1846, twenty-two months ago. At that time we had an army, whose total of rank and file consisted of 7,523 men. They occupied thirty-seven forts and positions in the interior of the United States, and upon our inland and seaboard frontier, comprehending a space almost equal to half of Europe; and the portion of this force under General Taylor, upon the Nueces, amounted to 3,001 men. This was our preparation for meeting the war. All else had to be collected or created. Recollect, sir, that our situation is far different from that of the martial Powers of Europe. War is there both a trade and a science, and its Governments are always prepared to meet contingencies, which cannot, indeed, be foreseen, but which, if not provided for, bring ruin and disaster in their train. At one time, the people of France were a great army—the country a vast camp—the cities and towns, arsenals and magazines, and the fields, sources of supply for the immense living machine, whose movements were always so tremendous, and often so irresistible. Well, sir, we had nothing of all this. We had no army, for our little force scarcely deserved the name. We had no conscription by which to increase it. And all the *materiel* necessary for the subsistence and transportation and operations of our troops had to be collected through the country, and conveyed to a distant scene of operations. This scene is three thousand miles off; and little did the Government or the country know of the condition of Mexico—of its fortresses or their state of preparation—of its armies or their state of efficiency or discipline—of the roads, the bridges, the means of transportation and subsistence, and the thousand other points, essential to military operations, and which, in the various countries of Europe, are studied and known.

Now, sir, in the face of all these obstacles, what have we done? We have sent our troops to the shores of the Pacific, by routes across the continent, and around Cape Horn; we have subdued Upper and Lower California and New Mexico; we have taken possession of the rich and populous districts upon the Rio Grande; we have carried the war into the heart of the Republic, after attacking and reducing the renowned fortress, which commands its principal maritime entrance, the capture of which alone was glory enough for France; we have taken its capital, dispersed its armies, made its Government a fugitive, and reduced to subjection a large portion of its population; we have fought at least fourteen important actions, of which eight were pitched battles, and in every one there was a disparity of force against us, and in many an inequality, which carries us back for similar examples of desperate struggles to the early ages of the world—to the combats of the Greeks and Persians—which they resemble,

rather than the conflicts, which the severe truth of modern history judges and records. We have captured a score of great cities, some of them fortified and defended, and capable of strong resistance. Time would fail me to tell all we have done, nor can it be necessary; for is it not already written in imperishable letters upon the records of history, and in burning and shining characters upon the heart of every American? Yet you have not done enough, says the honorable Senator from Maryland to the Administration; you have not prosecuted the war with sufficient vigor. You have done too much, says the honorable Senator from South Carolina; you have prosecuted the war too vigorously; so much so, indeed, that the great danger, we have now to apprehend, is, the annihilation of Mexican national independence, and the annexation of the whole Mexican territory; and the only remedy for the false position, in which your untimely energy has placed us, is an abandonment of much you have gained, and a retreat behind a line, where you can curb your martial propensities, and restrain your desire for aggrandizement. I shall not thrust myself into this controversy; it is in better hands than mine; but I must confess it appears to me, that the Senator from South Carolina is much nearer the mark than the Senator from Maryland; and that our offence, if one there be, is an offence of commission, and not of omission.

Now, if the Senator from Maryland thinks all this success is not glory enough for twenty-two short months, he must shut the pages of history, and go back to the fabulous ages, or open the volumes of imagination, and of a highly sublimated imagination, too, before he can find a series of operations worthy of the standard of military glory, which he seems to have prepared for himself. The labors of Hercules shrink into insignificance, when compared with his model.

And now for the future. What are we to do? We are to do just what other nations always have done, and always will do, in circumstances similar to our own. We have to prosecute the war vigorously, efficiently, promptly, till the Mexican people are satisfied of their inability to resist us, and are disposed to make a reasonable peace. There is a point, sir, in military operations, and we must reach that point if necessary, where pertinacious obstinacy will be overcome, and where, as I have already said, submission is cheaper than resistance. I think I heard it said, sir, upon this floor, that we had got the victim down, and he was exhausted and spiritless, and that we were preparing to plunge a bowie-knife into his heart. This language is in bad taste, sir; and the allusion, it seems to me, wholly unfounded. We have got no prostrate victim, and are preparing for no assassination. We are fighting the Mexicans, and they are fighting us, or, at any rate, claim to be fighting us, and refuse all the offers we make to treat with them. They compel us, either to close the war dishonorably, or to prosecute it inexorably. It is objected here and elsewhere, as a practical difficulty, that there is no Government to negotiate. But this is not so, sir; the difficulty lies beyond the Government. There are acknowledged rulers with authority enough to treat, were they disposed to do so, as the recent result has shown. And why have they not been so before? Because the public, so far as there is one, is adverse to the measure.



The honorable Senator from Mississippi, with his knowledge of the Mexican character, has made known to us one characteristic trait, which explains the infatuation that prevails in that country; and that is, an overweening vanity—a settled conviction of their superiority to us—and a proneness to attribute their reverses to anything, rather than their own imbecility. So much for the masses. The better informed portions of society may well study the doctrine of chances, and looking to the divisions which prevail in our councils, and to the opposition, which the legislative measures of the war encounter, may flatter themselves that our exertions will become relaxed, and the Executive unable to prosecute any further operations.

The remedy for all this is a palpable one; it is founded in human nature: increase your force, extend your operations, overrun district after district, establish yourself in city after city, awaken the Mexicans from their lethargy of false hope, and let them feel, that they have no recourse but to do us justice. And add to all this, union in our councils at home, which, after all, is the first element of prompt success. Postpone our internal difficulties, till our external ones are adjusted. One unanimous vote in each of these two Halls, evincing a determination to prosecute the war with all our strength, would be better than an army with banners. It would be a moral force, that would proclaim our power, and conquer the peace we so much desire. My life for it, if we do this, we shall succeed in three months; we shall find a Government ready enough to ratify the treaty or to make another, and a nation ready enough to observe its stipulations. Mexicans are like all other people; and, as I remarked a few days since, they must sow, and reap, and be clothed, and preserve the institutions of society, and the cherished relations of social life. They do not all mean to be killed, nor voluntarily to abandon everything, that makes life desirable. Let us go on, then, and time and perseverance, we may hope, will bring with them their just reward.

And now for the objects of the war. This subject has occupied much of the attention of the Senate; "indemnity and security" have been bandied about, as though they were mysterious words, employed to conceal some great project, or magical words, intended to obtain some great end, darkly shadowed forth—a kind of "Open Sesame!" enabling political necromancers to conceal their work of iniquity and deception. I am not going over this ground again, sir. I have only to say, that there is a single word which fully expresses my views upon this subject, and that word is, *Acquisition*. The object of the war is an honorable peace, and that peace can best be obtained by an adequate compensation for the injuries done us by Mexico, and that compensation must be made in territory, as it can be made in nothing else. There is one consideration, Mr. President, in all this question of territorial compensation, which has great weight with me. While I trust we shall act as fairly by Mexico, as her own conduct will permit, I do not conceal from myself, that my reluctance to annex portions of that country to ours is much less than it would be were I not convinced, that the permanent happiness of the people would be promoted by the measure. I believe it the happiest fate that could befall them; and I believe that this war, injurious in many

respects, as it may have been, and must have been, is destined to work a great good for the Mexican people. I believe it will meliorate their condition, civil, religious, social, and political. I believe that the contact with our citizens will bring many advantages, permanently beneficial. The country will be laid open to the world, and the intellectual lessons of Europe and America will elevate a depressed population, and bring them to a knowledge of their rights, and of the means of enforcing them.

Man cannot fathom the designs of Providence; but experience teaches us that great political changes are among the means employed in the moral government of the world, and that they often come to renovate decrepid nations, and to give new vigor to the human faculties. The existing race in Mexico has proved itself ignorant, feeble, and, if not retrograding, stationary. Another career may be opened to them; the abuses of generations may be swept away, and the route of our armies may become avenues of communication, by which light and knowledge may spread over Mexico, and the past remembered only to make the blessings of the change more evident and acceptable. I repeat, sir, that the claim we set up is for compensation for injury, and yet we are gravely reproached in the American Senate, in this middle of the nineteenth century, with the adoption of barbarous principles, as well as barbarous usages, because, in a state of war, when the appeal is to arms, and when the decision rests on strength and not on reason, we measure our own demands by our own sense of justice; and claim what we think right, and intend to take what we claim. And an honorable Senator from South Carolina, [Mr. BUTLER,] seems to have made it a particular cause of grievance, as he considers it a most extraordinary measure in diplomacy, that we should have defined the line we mean to establish, and have said to the enemy, make that the line of your cession, or continue the war. Why, Mr. President, did that honorable Senator never hear of an ultimatum in national intercommunication? What is more common—indeed, what is more proper—if a nation has once determined upon its course, than to say to its adversary, there is our lowest offer: accept it, or do better. The history of the world is full of these examples; and I must confess it was with no little astonishment that I heard the honorable Senator add this to his catalogue of reproaches against the Administration. He told us, there were some of us ready to vote for anything. As I have voted, and intend to vote, for all the necessary war measures, I suppose I may consider myself in this category of everything and anything members.

Mr. BUTLER. Certainly not! I only remarked that I was inclined to think that anything coming with an Executive recommendation would be swallowed whole; and, indeed, I confess that I think so yet!

Mr. CASS. We all know the courtesy of the honorable Senator, and I will not believe he intended all the words import, and therefore I shall not make a retort, which readily presents itself. But I will say, it requires very little stretch of patriotism to defend the Government, for making a manly and frank proposal, and for avowing its determination to stand by it to the last. And what other rule, sir, is there, or can there be, for the conduct of nations, than the rule of the strongest, where all pacific



means of procuring justice have been tried and found wanting? They have no common umpire, and when they commit their cause to the battlefield, they do so with a full knowledge of the consequences. Security and indemnity, if victorious—cessions and concessions if vanquished; and all this, harsh as it may appear, has much good sense in its favor, as, indeed, has almost every general rule, which the experience of the world has adopted. Man is naturally as pugnacious as his cotenants of the earth, whether walking on two legs or on four. He is kept in restraint by the institutions of society, and by the salutary operations of law. But nations are independent; they acknowledge no superior; and much that restrains them—not all, indeed, for the opinion of the world is something, and moral principal something more,—but the greatest restraint, which keeps them from perpetual collisions is, the certain injury and the uncertain issue of war. The race is not always to the swift, nor the battle to the strong. So says the book of inspiration. Numbers do not ensure victory, nor power always command success. So says the book of human experience. And this uncertainty is a salutary check upon the ever-active promptings of ambition. But divest war of its legitimate consequences, which have belonged to it from the earliest periods of history, establish the principle, which this new kind of sickly magnanimity seeks to lay down, that there is to be neither security nor indemnity, or, that the conquered, and not the conquering power, is to be the judge of both, and where are we? Where would be the peace of the world, or where the discharge of national obligations, if there were no penalty for injustice, and none of the motives to do right, which spring from the fear of the consequences of doing wrong?

An honorable Senator from Connecticut, [Mr. BALDWIN,] informs us, that Mexico has no money to indemnify us, and that she cannot cede any portion of her territory for that object, because her own constitution prohibits it. Well, sir, I suppose she may then set the world at defiance, and become the Ishmaelite of nations; with, however, a better fate than Ishmael of old; for his hand was against every man, and every man's hand against him, while Mexico might be the aggressor, without being exposed to any retribution. Sir, when a people deprive themselves of the power to redress an injury, they should be very careful not to commit one. No nation can intrench itself behind its paper barriers, and say to the world, do what I may, I am not responsible; for I have declared the inviolability of my territory. An easy kind of shelter this for aggression and injustice! and a new principle to me, in the law of nations, this security, not for, but against, indemnity. I do not know where it is to be found, but it must be very new or very old, antiquated or unacknowledged. No, sir, there is no such principle, there can be no such principle. Nations, like individuals, are responsible for their acts, and must pay the penalty of their injustice. This matter lies within a narrow compass. If a nation interdicts to its government the authority to alienate any portion of its territory, it must take care, in its disputes with other countries, that it has right or power, and especially the latter, on its side. If conquered, its internal regulations will not protect it from the legitimate consequences of defeat. If it will neither cede

nor pay, it must remain at the mercy of its enemy.

Mr. CLAYTON. In a foreign war with another nation, should the demand be made by that nation, that the only terms in which peace would be secured by us, would be the cession of the State of Michigan, does the honorable gentleman believe, that the Federal Government of this Union would have the right to make the cession?

Mr. CASS. I have not the slightest difficulty in answering the question of the honorable Senator. There is no power in this Government to cede away one foot of the United States. But, sir, there are considerations, which will ride over written constitutions, and among these are the events of war. Now, I am not going to enter into a discussion with any man, respecting the course this country will adopt, should it be prostrated at the feet of a conqueror. I am not going to suppose any such case. I believe it one of the last dangers that awaits us. But if, in the Providence of God, it should come, I leave it to our children in the fiftieth or the hundredth generation, to adjust it as they must, if they cannot adjust it as they would.

Undoubtedly, sir, a conquering nation, in judging for itself, judges under a great weight of responsibility. It is the natural result of its position. That now is our situation, and I trust that, in the measure we mete out to ourselves, we shall commit no such crying injustice, as may provoke the censure of the world, or draw upon us the retributions of Providence.

I repeat, sir, that we must take the affairs of this world as they are, and not as we would have them to be; and I am afraid, that public wars will long continue to be the tribunal for the adjustment of public disputes; probably until the advent of that period, which we know will come, because He has said it, who will make it come, but which seems yet far remote, when the quarrels of nations as well as of individuals will cease, and the contests of life give way to universal benevolence.

But the honorable Senator from Delaware visits with peculiar reprobation every proposition to acquire indemnity from Mexico. The Senator says: "I desire to say, for one, that I never have been, and I am not now, willing to acquire an acre of ground from Mexico, or any other nation 'under Heaven, by conquest or robbery.'" He says, "that honesty is the best policy; and that 'an honorable reputation to a country is of more value than land or money.'" "I hold," says the honorable Senator, "that any attempt on our part, merely because we happen to possess superior strength, to compel a weaker nation to cede us all that we choose to demand as indemnity, whilst we at the same time admit, that we ask for more than she owes us, is nothing else but robbery."

Mr. President, I hold to no such doctrine. The world holds to no such doctrine; and never has, and never will, till the governments of man shall have fulfilled their task, or the nature of man shall have entirely changed. Robbery, indeed! It seems to me, sir, (I say it with all deference,) it would be an utter perversion of terms to designate an acquisition by conquest for indemnity as a robbery. An honorable Senator from Vermont has designated it by other epithets. He calls it piracy and plunder. If this war is just,



as I, for one, believe it to be, what was our just claim at its commencement is far from being a sufficient claim now. Our balance has greatly augmented. The most rigid casuist cannot deny, that we are fairly entitled to a just compensation for the losses and expenses, which we have encountered from the obstinate injustice of the Mexican Government; and, as I have already shown, of the extent of this compensation, we must, of necessity, be the judges. This doctrine, perfectly reasonable in itself, is supported by the authorities on the law of nations.

Rutherford says:

"A nation has a right to be paid the expenses that it makes in a just war. These expenses are, indeed, so many additional damages; for whatever the nation is forced to expend in recovering its right, is a loss, which is occasioned by the fault of the enemy who withholds that right."

Wheaton also says:

"It is lawful to recapture things taken by the enemy, or to recover their value—to seize on so much of his property as may be necessary to defray the expenses of the war, and to compensate for all damages unjustly sustained."

Robbery, indeed! Pirates and plunderers, indeed! Why, all the acquisitions since men were united in civil society, made by one nation from another, in this new ethical nomenclature, become robberies. The Assyrian was a robber, and so was the Egyptian and the Grecian and the Roman in the ancient world; and in the modern, robbers are as plenty as nations; for England, and France, and Russia, and Prussia, and Austria, and every people under Heaven, have alternately lost and gained territorial acquisition by war and conquest, and have thus exposed themselves to the harsh epithet, which the honorable Senator from Delaware would apply to his own country, if she claims the right to act agreeably to the laws of nations. I am well aware, that questions of ethics are not to be decided by mathematical rules; nor is there any arithmetic of morals, which can make one right out of twenty wrongs. But the usage of nations makes the law of nations; and the practice of all time shows, that conquest gives right, as permanent and unquestionable as rights derived from any conventional arrangements, public or private.

But, sir, the honorable Senator from Delaware, in further illustration of his proposition, has resorted to an analogy, which seems to me utterly to fail him in its application to the subject before us. Analogies are always rather dangerous weapons in argumentative discussions; and I have seldom seen one, which seems to me more so than the very case presented to prove that we are robbers. "If a man owes me a sum of money," says the honorable Senator from Delaware, "and I meet him on the highway, and insist, with a pistol pointed to his breast, that he shall deliver to me a deed of his farm, at the estimate which I choose to put upon it, I think there could not be much difference of opinion as to the nature of that transaction, and I should like to know how my friend from Maryland, who is an able lawyer, would defend the man guilty of such conduct. Would it be any palliation or excuse or justification of the conduct of an offender, in such a case, that some money was due to him? Could there be found in Christendom a court and jury that would hesitate, as to the verdict in such a case? And what, let me ask, as a friend near me [Mr. WEBSTER]

'suggests, what would be the value of a deed obtained under such circumstances?'"

Is it possible, Mr. President, that the two distinguished Senators, from Delaware and Massachusetts, I might almost say, the first among the first jurists in the land, can believe that this Government is to be driven from its position and its purposes, and the American people from their determination, to be indemnified, by a false analogy like this? I use the word false in its logical, not in its ethical sense. Can it have escaped the penetration of those learned gentlemen, that the case they suppose is one, where both the parties are the subjects of municipal law, which extends, equally, its protection and its penalties over all, who owe it allegiance? The robber is violating the law, and not only can gain nothing by his crime, but exposes himself to severe punishment. There is a common umpire between these men, to which their disputes, if they have any, must be referred, and which has power to enforce its own arbitrations. But the contests of nations involve far different principles. Their very equality makes each the judge of its own rights, and the asserter of its own remedies. Do the honorable gentlemen mean to push their analogy so far as to contend, that all treaties made between stronger and weaker Powers are void, for the very reason that victory has declared for the one, and that the other must submit? If this new principle is to be interpolated into the law of nations, what would become of half the treaties in the world, and all the territorial changes they have made and confirmed? The subject appears to me so plain, as to defy illustration; and I leave it with the simple remark, that we have duties to ourselves as well as to Mexico, and that if we do to her as other nations have always done under similar circumstances, we shall do all that the most jealous advocate of his country's honor can demand.

Mr. President, we are furnished with two other dissuasive reasons against the acquisition of Mexican territory. One relates to the present and the future, and the other to the past. The former, addressing itself to our fears, belongs to what may be called the school of national apprehension; and the latter, addressing itself to our sense of shame, may be called the school of national humiliation. I shall trouble the Senate with a few remarks upon each.

We are warned of the dangerous consequences of increasing our territorial extent. I heard all this nearly half a century ago, when Louisiana was acquired. The fears, now, cannot be stronger, nor stronger expressed than they were then. They were again spread before us when Florida was purchased; and still again, when Texas was annexed. We have lived them down, sir, and I suppose there are few men, within the limits of the republic, who would now desire the excision of either of those acquisitions, certainly not of the two former. Let us judge the future by the past, the only safe rule of judgment. Our Government has a wonderful power of accommodating itself to the extension of the country. Its double formation, if I may so speak, of external and internal sovereignties, enables it to spread without weakness, and to preserve its power of cohesion with its process of enlargement. And the progress in the physical sciences comes in aid of our own political pro-



gress. The means of communication are every day augmenting, and even now, we are practically less remote from each other as a people, than we were in 1789.

I lived upon the Ohio, Mr. President, at the period of the acquisition of Louisiana, and watched, as did the whole western population, the progress of that great measure. Recollecting the objections made to it, as well in Congress, as in the country, and hearing those, which had been urged here to the proposed acquisition, I was struck with their similarity, I might almost say their identity, and turned to the debates of that period to fortify my impressions. The result I will give you in a very brief extract:

[DEBATE IN OCTOBER, 1803.]

Mr. GRIFFIN said: "He did, however, fear those consequences; he feared the effect of a vast extent of our empire: he feared the effects of the increased value of labor, the decrease in the value of lands, &c. He did fear, though this land was flowing with milk and honey, that this Eden of the New World would prove a cemetery for the bodies of our citizens."

Mr. THATCHER said: "This acquisition of distant territory will involve the necessity of a considerable standing army so justly an object of terror."

Mr. GRISWOLD said: "The vast and unmanageable extent which the accession of Louisiana will give to the United States—the consequent dispersion of our population, and the destruction of that balance, which it is so important to maintain between the eastern and western States, threatens at no very distant day the subdivision of our Union."

Mr. WHITE said: "I believe it will be the greatest curse, that could at present befall us, &c. \* \* \* We have already territory enough, and when I contemplate the evils that may arise to these States from this intended incorporation of Louisiana into the Union, I would rather see it given to France, to Spain, or to any other nation of the earth, upon the mere condition that no citizen of the United States should ever settle within its limits, than to see the territory sold for an hundred millions of dollars and we retain the sovereignty."

Mr. TRACY called "it a pernicious measure—the admission of Louisiana, of a world, and such a world, into our Union. This would be absorbing the northern States, and render them as insignificant in the Union as they ought to be, if, by their own consent, the measure should be adopted."

Now, sir, two of the speakers in this debate were predecessors of the honorable Senator from Connecticut, [Mr. BALDWIN,] who has felt and expressed such alarm at the proposed extension of our territorial limits. That Senator says, he would rather give millions to get rid of the territory, than to pay a dollar for its acquisition. Mr. White, of Delaware, fixed his price for getting rid of Louisiana at one hundred millions of dollars. Mr. Tracy, an able and eloquent statesman, predicted that the acquisition of Louisiana would "absorb the northern States, and render them insignificant in the Union." The Senator from Connecticut strikes the same key-note, and sounds a similar alarm. Now, sir, all this apprehension is without the slightest foundation. The just influence of Connecticut, of all the New England States indeed, will never be reduced by the progress of our country. I do not speak of the influence of numbers, but I speak of that moral power, which intelligence, and morality, and patriotism, always give to every community. Who, in this broad land, does not look back to the history of New England, and associate the glory of his country with the glorious deeds, which passed there, and which laid the foundations of our freedom and prosperity? Go where you will, sir, from the lakes to the ocean, from the St. John's to the Rio Grande, and everywhere you find emigrants from New England,

carrying with them the fruits of its intelligence, and spreading its influence wherever they go. Why, sir, there are five Senators, natives of New Hampshire, now members of this body, and as one, and the least worthy among them, I am proud to acknowledge, here, in this high place, that much of the success, undeserved on my part, which has attended me through life, I owe to the early lessons of wisdom and virtue, which were taught me in my native State, and which, if I have too often neglected, I have never forgotten. There may be climates less rugged, and hills less sterile; but no population ever occupied a country sounder in head or heart, or more richly endowed with those principles, which give energy to man, and dignity to human nature. The influence of qualities like these will be felt and acknowledged throughout our Confederacy; whether those who bless it and pray for it utter their blessings and their prayers upon the coast of New England, or the shores of the Pacific.

We are also told, as a dissuasive against the prosecution of this war, that we can raise no more men nor money, and that our exertions must expire, from the very lassitude of our patriotism. Our fathers had these difficulties to contend with, in the war of the Revolution, magnified, indeed, a thousand fold, by the circumstances and the nature of the contest, and yet they fought on, till they obtained peace for themselves, and freedom for us, and founded upon a rock—the rock, I hope, of ages—this magnificent Republican empire. We heard all this, also, in 1812, and yet, in the face of it, we conducted that war to a glorious termination. We heard it all again at the commencement of this very war, and the time has already past, according to the prediction of a statesman now present, of the highest character, supported almost by mathematical calculations, when we were to have neither men nor money, and when our cause was to fail from the failure of all the means necessary to support it. Now, sir, nothing can be worse than to stop without attaining our object. If we cannot raise men, and cannot raise money, why then we must stop. But, thank God, we have not got to that point yet, nor do I believe we ever shall get to it. Let us not halt in our course now, simply for the fear that we may be compelled to halt there some time or other. Sufficient unto the day is the evil thereof. Sufficient for the dishonor of this country will be the time when she will practically exhibit her inability to maintain her rights and her honor.

Why, sir, what was said on this subject during the session of Congress, on the 25th and 26th of January, 1847, one little year ago? Let us look back for a moment. The lesson may be a profitable one for us all, and certainly an encouraging one for those who indulge in gloomy forebodings, and doubt the disposition or capacity of their country, to augment her exertions as her trials augment. I hold in my hand extracts from the debates, which then took place on the subject of the loan. I will read a few passages, not mentioning, however, the names of the speakers, as it is not my object to recall any invidious recollections, but simply to show the sentiments, which then prevailed, and how these have been rebuked by the result.

One speaker said:

"The crisis in which they were placed was unprecedented—



ed. They had no adequate revenue, and were going on without any way of increasing it. He should support this measure, therefore, from necessity, because they could do nothing else. Yet he feared it was with evil to the currency of the country," &c. \* \* \* \* "He predicted it would occasion a depression of the currency of the whole country to a most mischievous extent.

"In passing it, they were treasuring up wrath against the day of wrath—and that day of wrath would come—and when it came, he feared they would not be able to stand."

"But it was evident," said another speaker, "that a loan could not be obtained."

"A good deal had been said," Mr. Cass remarked, "about the levying of a specific tax, to which he might refer; but the Administration was responsible for the loan. They had told them they could get it upon terms to which they would willingly submit.

"Mr. E. No.

"Mr. Cass. No, says the honorable gentleman?

"Mr. E. Where do you find it?

"Mr. Cass. In the terms of the call for it by the Administration. They might fail to get it, but they had good reason to expect it. \* \* \* \* He knew that, during the progress of financial difficulties with England, it became necessary to combine every loan with a specific tax. Why? Because that country was overloaded with taxes—in the midst of a tremendous war—a war almost against the whole civilized world—and with a debt out of all manner of proportion. Hence it became necessary for them to resort to the mode referred to.

"But did any man believe that the faith of this nation was not sufficient to raise the twenty-three millions of dollars? \* \* \* They had paid off two debts, and they could pay off another."

A speaker also observed:

"Yet the Senator from Michigan told them merely to pass this bill, and they would have all the money wanted. \* \* \* The gentleman from Florida [Mr. Westcott] also thought there was no sort of danger, but that the public credit could raise money enough."

So much for the prophecies of the last session of Congress. How they have been fulfilled has now passed into history, and yet we hear the same lugubrious note at the present session, and it was, I believe, the honorable Senator from Vermont, [Mr. Phelps,] who proved most clearly our financial imbecility, and his views were adopted by other Senators. And we have heard elsewhere, and from a high quarter too, that a tax "would wind up this miserable Mexican war in ninety days." *Hinc illæ lachrymæ!* Tears for taxes, but none for wounded honor! I trust I shall never live to see the day, when the American people will prosecute an unjust war, because they do not feel its burdens, or abandon a just one, because they feel or fear its financial pressure.

But I see, by an article in the London Times, of January 4th, that these cis-Atlantic forebodings are not the only ones. Our neighbors over the water record and regret! the appearances, which seem to them to indicate an approaching exhausted treasury and its consequences, on our future exertions. That article warns us, as we are warned here, of the danger of a public debt, and of the taxes, to which it must lead. And I observe, that a late Morning Chronicle adopts a similar standard for our patriotic sacrifices. It thinks that our losses and the derangement of the financial operations of the country will prove too much for "Jonathan's patience;" and that a proposal to increase, to a considerable extent, the amount we pay in taxes, will soon cure us of our warlike mania.

But I mistake the feelings of my countrymen, if such considerations will deter them from the prosecution of the war, in which we are engaged. If taxes are necessary, they will bear them. Advancing as this country is, with so rapid a pace in all the elements of power and prosperity, any debt

it may contract in a necessary war can give no serious cause of apprehension. I repeat the sentiment I expressed last session, that I do not believe one word in the European financial axiom, that new debts must be secured by new taxes. Our experience has disproved it. Where nations are stationary, and already weighed down with fiscal impositions, such a principle may be necessary to the support of their credit. But in the career opened to us, where our resources are augmenting in a geometrical ratio, the credit of the country will be found sufficient, and its increasing resources will go far towards the discharge of all its engagements. As to a debt like that of England, the thing is impossible here. It is one of the last dangers, which threatens us. A people, who govern themselves, and tax themselves, will never sanction a system of extravagant and unnecessary expenditures,—a system which, in England, as a writer in the Edinburgh Review observed, very wittily and very truly, some years since, commences at the cradle, and going on through all the gradations of society, still taxing as life advances, finally taxes the tombstone,—and then dismisses him who sleeps under it, to be taxed no more. Such are the blessings of a Government separated from the people, and without proper sympathy for their condition, or responsibility for their own principles.

The other dissuasive reason against the annexation of territory, to which I have adverted, founded on our own conduct towards other nations, against whom we had causes of complaint, amounting to causes of war, if we had chosen to consider them such, was presented by the Senator from Maryland, [Mr. PEARCE.] This appeal to the fruits of our own pusillanimity has been made before, but has never, I think, been so directly prosecuted, as by that gentleman in his remarks upon the general subject the other day. And this brings me back to his proposition, which I have already considered, that we have no just cause of war against Mexico. In its defence, in addition to the general principle that the right and the "sort of necessity" should both exist, he added, by way, I suppose, of illustration, that—

"The President had paraded before us an exaggerated statement of these claims."

And he proceeds, among other things, to ask—

"If the resistance or neglect to pay on the part of Mexico is even comparable to that, which we have experienced at the hand of stronger nations? And I ask, if it becomes us to adopt one rule or measure of justice in regard to a weak nation, and another rule of right in regard to a strong and haughty people?"

I answer, no; emphatically no. We have but one rule of right or justice for all nations, and that is, that they fulfill those duties towards us, which we have a right to ask, and which we, in our turn, must render. And this is our rule, as well with England, or France and Mexico, as with San Marino or Monaco, or the great empire, which embraces a large portion of Europe and stretches through Asia to the Frozen Ocean and the Eastern Sea. The honorable gentleman confounds the right with the remedy. The one is independent of circumstances, and the other depends upon ourselves. Why, his own illustration clearly exhibits this difference. He says we had causes enough of war against France and England, and his reproach is, that these were not followed by war against the former Power, "a great and mighty



people." He says, "and yet we talk of violated honor;" "and the President rants about our claims against Mexico." I beg to assure the Senate that this language is the language of the honorable Senator, and not mine. I shall never talk about the ranting of the Chief Magistrate, when he spreads our public grievances before the representatives of the people, and thus before the people and the world; nor shall I ever taunt my country by intimating that her course has been so pusillanimous, that for her to talk of violated honor is a solemn farce. But were all this so, it is quite time that our policy were changed. We are well chastised for the want of self-respect we have exhibited, if we have lost our honor; and if we do not stop in this career of humiliation, the proclivity will become steeper and steeper, and our descent more and more rapid, till we shall have neither rights to assert, nor honor to defend, nor disposition to do either.

This catalogue *raisonnée* of our acts of humiliation I have heard before; but never, I think, with such strong terms of reprobation. Our submission to the insults of the Neapolitan, the Dane, the Gaul, and the Anglo-Saxon, is brought before us, as it were in staring capitals, and some of these are characterized as—

"Committed in the wantonness of power—in the very scorn of our rights—without the slightest justification; and persisted in, repeated, and boldly defended, with a most offensive effrontery, and yet endured by this country through successive administrations from 1806 to 1831."

I regret, sir, to hear all this; not for its own sake, for we have nothing to reproach ourselves with, but in connection with the subject before us. I regret to hear, that too much forbearance—if too much there was, as the gentleman seems to intimate—is now made the pretext for more; that we must suffer from Mexico because we have suffered from others, and that we must go on thus interminably, exposed to the attacks of the strong and the weak, and to the contempt of all.

But, sir, the people of this country have never been deficient in patriotism or national pride. During the period, when these aggressions, to which the honorable gentleman alludes, were committed, the moral and political world was in commotion, the foundations of society in Europe were uprooted, and a mighty revolution was sweeping over that region, which occasioned greater changes in the world, than did the five preceding centuries. Tremendous military establishments were formed, and the rule of might became the rule of right. These injuries commenced under the administration of General Washington, and were continued through the administrations of Mr. Adams, and Mr. Jefferson, and Mr. Madison; but their principal weight fell upon us during the Presidency of Mr. Jefferson, and a portion of that of Mr. Madison. And everlasting honor is due to those two eminent patriots and statesmen for the firm, prudent, and dignified course they pursued under the trying and perilous circumstances, in which they and their country were placed. History has set its seal upon their measures, and in all time hereafter, their memory will be held in honor by a grateful people.

But, sir, we went to war with France in 1798, and with England in 1812, two of the mightiest Powers on earth, and with immense military establishments at their disposal, till then unknown in

modern times. And it was the conviction in France, that the firm character and decided course of General Jackson, and the responsive feeling of the American people, would lead to a war with that country, if justice was not done us, and not the interference of England, which produced the arrangement of 1830, and its execution, by which our chapter of complaints against France was closed, and I hope forever.

Here, sir, were two wars within fifteen years, and both prosecuted, when we were comparatively feeble in numbers, in strength, and in wealth, and a third barely avoided by the satisfaction of our claims. Now, sir, I deny that we are justly liable to the reproach of pusillanimity, or that we have forfeited our claim to talk of violated honor. Or, that Mexico, or any one for Mexico, in this country or elsewhere, has a right to say, you had established your character for tame submission, and you have therefore no right to ask indemnity of me for wrongs such as you have suffered from others, and which your own forbearance in former years induced me to refuse.

There are two incidents, episodes I may call them, in the great action going on, which, though they neither give direction to its movement, nor certainty to its termination, are yet worthy of remark, as they exhibit, if not the faults of the Administration, at any rate the facility with which their measures are assailed. One of these charges I have never heard, I confess it, with becoming gravity. The other is new, or at any rate new to me, and has been presented by the Senator from Maryland, [Mr. JOHNSON,] with his accustomed ability, which sometimes makes "the wrong appear the better reason." I shall content myself with touching, rather than considering them.

One great grievance alleged by the Mexican Government, and repeated here, and one for which our minister was rudely driven from the republic, is, that we sent her a plenipotentiary and not a commissioner, to effect an amicable arrangement of the difficulties between the two countries. Really, sir, in the whole history of national intercommunication, no such frivolous reason as this was ever given for involving two countries in war, that a higher grade of diplomatic agent was sent by one Power than the other demanded. The reverse may have happened, when the most idle questions were grave subjects of investigation and remonstrance. Mexico must have had few substantial causes of complaint, and the opponents of the Administration few just grounds of animadversion, when such a measure assumes an important position in their respective lists of grievances. But how stands the fact? Anxious to restore the diplomatic relations between the two countries, which had been interrupted by the Mexican Government, the President directed that our consul (Mr. Black) should communicate this desire to the Mexican authorities, and say to them, that if they "would 'receive an envoy from the United States to adjust 'all the questions in dispute between the two countries,' he will immediately despatch one to Mexico."

To this proposition the Mexican Secretary of State answered:

"My Government is disposed to receive the commissioner of the United States who may come to this capital with full powers from his Government to settle the present dispute in a peaceful, reasonable, and honorable manner."



Here is the acceptance of the proposition, and the agreement to receive the commissioner whom the Government of the United States proposed to send, under the title of envoy "to settle the present dispute." Well, the envoy was sent, commissioned for this very purpose, and when he arrived he was refused recognition, because he came as an envoy, and because his powers extended to the adjustment of the whole dispute between the two countries, and were not confined to "questions relative to Texas." As to the mere title, it does not merit a moment's serious consideration. It was an afterthought, a subterfuge, resorted to in order to justify what the Mexican Government was determined to do, but what it was easier to do than to defend. It is evident that our proposition was accepted as made, and that envoy and commissioner were but convertible terms. This is shown by the letter of the Mexican Secretary of State to Mr. Slidell, in which he says:

"That the single word 'restore' is by no means sufficient to give to Mr. Slidell the special character of commissioner or plenipotentiary *ad hoc*."

But Mr. Slidell had too much power; or, in other words, he was charged to settle the whole controversy between the two countries, and not the Mexican portion of it alone. And was not this arrangement in the very terms of the proposition and its acceptance? We desire to send you an envoy, says Mr. Buchanan, to adjust all the questions in dispute between the two Governments. We will receive your commissioner, answers Mr. Peña y Peña, charged "to settle the present dispute" between your country and ours. Well, what was this dispute? It had two sides to it, like most other disputes, public and private. We complained that Mexico had injured our citizens, and she complained that we had annexed Texas. And the dispute was made up of these causes of complaint. Could the Mexican Government be so besotted as to suppose, that the United States would adjust her side of the quarrel and leave their own unadjusted? That we should be willing to do something, I know not what, by which Mexico would agree to the annexation or we abandon it, and thus satisfy her cause of complaint, and then turn round and enter upon another negotiation of twenty-five years to satisfy our own? If our Administration had acted thus, they would have met and merited universal execration. And now the great cause of grievance with our adversary is, that though we were willing to do her justice, yet we required at the same time, that justice should be done to us.

And one of our most eminent living statesmen—a connecting link between the present and the past generation—has not only endeavored to place Mexico right, and his adopted country wrong, upon this, as well as upon other questions at issue with her, but has elaborately discussed it, and given to his sentiments—which have been widely disseminated by party zeal and the public press—the authority of his name.

In his remarks upon this subject, as Mr. Gallatin commences with an error, it is not surprising that he ends with one. He says: "The Mexican Government insisted, that it only agreed to receive a commissioner to treat on the questions that had arisen from the events in Texas," &c. This assumption of the Mexican Secretary of State, which

Mr. Gallatin endorses—as he must endorse it, in order to place his own Government in the wrong, for which he seems to have powerful, if not patriotic propensities—is contradicted by Mr. Peña y Peña's letter to Mr. Black, in which he says, expressly, that the commissioner of the United States, coming "to settle the present dispute," will be received by the Mexican Government. In the whole letter, which pledged the Mexican faith to the reception of the minister, there was no allusion, direct or indirect, to "the questions which had arisen from the events in Texas." So much for the substance of the charge.

Mr. Gallatin discusses the question of etiquette—as this finally descends to be—with more zeal and unction than would have been expected from a collaborer with Jefferson and Madison in the republican vineyard. He says that treaties of peace are always negotiated by commissioners, appointed for that special purpose. If this were so, it would not touch the present case; for Mexico had then neither declared war, nor committed any act necessarily leading to it. But it is not so, and Mr. Gallatin ought to have known it. He ought to have known that he was appointed an envoy extraordinary and minister plenipotentiary, with four other eminent citizens, in 1814, to negotiate a treaty of peace with England. They are thus designated in the treaty itself; and I have actually seen the record of their commission in the Department of State. He ought to have known, that the very treaty of peace between France and Great Britain in 1783, which he cites and asserts was negotiated by commissioners, was, in fact, negotiated by the Duke of Manchester, as "ambassador extraordinary and minister plenipotentiary," &c.; and that the preliminary treaty between the same Powers was negotiated in 1762, by the Duke of Bedford, "minister plenipotentiary," and that in the full powers from our Congress, dated June 15, 1781, the persons appointed to negotiate a treaty of peace with England are styled "ministers plenipotentiaries," &c.; and he ought to have known that modern history is filled with similar examples.

But, sir, while the Government has been assailed, at home, upon this point of diplomatic etiquette, it has been redeemed, abroad, from all blame by the publication of the letter of General Herrera, written on the 25th of August last, in answer to an application from Santa Anna inviting him to act as a commissioner to treat for peace with the United States. "For no other act than showing that there 'would be no obstacle to his (Mr. Slidell's) presenting himself, and having his propositions heard, my administration was calumniated in the most atrocious manner. For this act alone, the revolution which displaced me from the command was set on foot.'" I need add nothing to this declaration of the Ex-President of Mexico. I leave the question between Mr. Gallatin and General Herrera.

The other objection, which I have classed as an episode is, that of the two alternative propositions, which the President was authorized to offer to Texas, he chose the one, which committed the United States to admit her into the Union, without any specific provision, that her boundaries should be established, subject to the control of the General Government.

In the first place, sir, the present Administra-



tion was not then in power, and is not responsible for the choice of the mode of procedure. The offer was made by Mr. Tyler before the expiration of his term of service.

In the second place, the power of decision was purely discretionary, and if the President was wrong in selecting that alternative, Congress was wrong in giving him the power to do so.

In the third place, a reasonable discretion must necessarily exist in Congress on this subject; and if that body is clearly satisfied, that Texas claims more than she has any right to claim, I see nothing in the act of annexation, which would compel the Government to involve the country in an unjust war to defend an unjust claim.

In the fourth place, the honorable Senator must know, that by no other mode could the annexation of Texas have been consummated, as there was no probability, I may almost add possibility, that any treaty for that purpose would be ratified by the Senate. A constitutional majority of two-thirds could not have been obtained. The law itself passed this body, but by a bare majority of one. It was annexation under the law, and without the concurrence of the treaty-making power of the Senate, or it was not annexation at all.

Mr. President, a few remarks upon another topic, and I will cease to trespass upon the indulgence of the Senate.

It has been said in England, and in the United States, and perhaps in Mexico, though not so bitterly, I think, that our armies in that country have committed terrible cruelties, unworthy of us, and of the age, and which should call upon us the condemnation of the world. And the great Journal of England, the proclaimer of English moderation and philanthropy, has said that—

“The cruelties perpetrated by Hernando Cortez, on his first expedition to Mexico, have been surpassed in barbarity and heartlessness, by the heroic commanders of the model Republic. If despotism can be symbolized by a knout, American republicanism may be represented by a gallows, and from the same spirit of historic heraldry, which would indicate French republicanism by a guillotine.”

I wish I could give the date of this article, for I should like to fix its exact chronology; but I cannot, as I cut it out of one of the American papers, and have since lost the reference.

Mr. President, I listened with equal pleasure and interest, a few days since, to the remarks of the Senator from New York, [Mr. Dix]—to his statesmanlike views, expressed with equal clearness of thought and felicity of language. But there was nothing, which better became his position, or ours, than his exposition of the principles of the British Government, when contrasted with its professions—its eternal process of aggrandizement, and its eternal claim to moderation. And I was the more struck with his illustration of the subject, because it corresponded with some observations I had the honor to submit to the Senate, respecting it, at the last session of Congress. I was then met by the Roman war-cry—from the honorable Senator from Massachusetts, [Mr. WEBSTER]—*Delenda est Carthago!* as though the mere reference to historical facts announced a spirit of vengeance, unbecoming us and our country. Mr. President, there is nothing to be gained by soft words on such occasions as these. They may turn away private wrath, but they never yet turned away public envy and jealousy. Let us look our

accusers and their accusations full in the face. “I thank God,” said the Pharisee of old, “that I am not as other men are.” We thank God, says the public opinion of England, that we are not like other nations, and least of all like that great grasping mobocracy of the western hemisphere, which is seizing and annexing the territory of its neighbors! And this is said with as much stern gravity as though the coast of England bounded her possessions, and as though there were a rock, or islet, or island, or continent, she did not covet, and, coveting, did not seek, and, seeking, did not strive to obtain with a strong hand, if she thought her hand strong enough to obtain it. In the whole history of national reproofs, and national professions, there is nothing like this—that England should cast the first stone against other nations for a spirit of conquest and aggrandizement!

That great paper, the “Times”—great in its circulation and in its influence—is the existing exponent of English sentiment. It does not make, but ministers to, public opinion; it does not guide, but indicates it. It caters for the national appetite; but its dishes are prepared for the public taste, and not the taste for the dishes. Every calumny upon us, every slur upon our morals and sneer at our manners, finds open ears to admit them, and willing hearts to receive them. For myself, sir, I am tired of all this; and I think Mr. Walsh, some years ago, rendered an acceptable service to the cause of truth and of his country, by the publication of his work upon this very subject; and I wish some patriotic American would bring it down to the present day, and exhibit in all its glaring contrast the difference between English practice and English professions. I am tired also of the eternal cant about the Anglo-Saxon race, as though that were the only stock from which virtue and intelligence could spring—as though our own population were homogeneous, and descended from the English family alone; while we know it has levied contributions upon all the nations of the earth—upon France, and Holland, and Spain, and Germany, and Sweden, and Norway, to a large amount, and upon Ireland—oppressed and down-trodden Ireland—to a much larger; and all those contributions soon became fused together, losing their peculiar traits, and forming the American people, with a character of their own, and I think with pride enough to assert their identity, and to treat the Anglo-Saxon race, as they treat all other races, in questions of national comity, as friends or enemies, depending on the prevalent sentiments with which they themselves are regarded.

Mr. HALE, (in his seat.) And Africa too?

Mr. CASS. Let us go on with our own race. An eye for an eye and a tooth for a tooth, said the Jewish lawgiver. The rule is a harsh one, and I would not adopt it, even in repelling national calumnies. But with England I would do better. I would let her own history condemn her, when she asserts her superiority over the other nations of the earth.

In the year 1756, a war broke out between the English and the Nabob of Bengal. The English general, Clive, entered into a secret correspondence with the commander of the Nabob's forces. A rich Indian banker, named Omichund, was a principal agent in the arrangement of this affair, and



he was to receive a large sum of money for his services. In conformity with the stipulations, the commander abandoned his master upon the field of battle, and was elevated by the English to the vacant throne. Omichund demanded more than Clive was willing to grant; but fearing that he might betray the secret, the English general determined to deceive him. And he did so. I quote from an English historian:

"Omichund's interests were to be protected by a special clause in the treaty. Two treaties were drawn up: one, written on white paper, contained no reference to Omichund; another, written upon red paper, contained all the stipulations of the white treaty, and, in addition, an article in favor of Omichund, to deceive whom was the only purpose for which it existed. But a new difficulty occurred. The select committee had no hesitation in signing both the treaties; but Admiral Watson refused his assent to the mock document, and the absence of his name, it was foreseen, would excite the suspicion of so wary a man as Omichund. Here, again, Clive had an expedient ready. It was to attach the Admiral's name by another hand, (or in other words, to forge it.) The two treaties were accordingly rendered complete, and the red one answered its purpose. Omichund kept the secret of the conspirators, Soorag-oo-Dowlah was dethroned, and Meer-Jaffier elevated to his place."

"The sequel of the tale is melancholy. \* \* \* \* That document was produced in white. Omichund became agitated, and said, 'This cannot be the treaty; it was a red treaty I saw.' Clive coolly replied, 'Yes, but this is a white one;' and turning to Scrafton, who spoke the native language more perfectly than himself, he said, 'It is now time to undeceive Omichund.' The process of undeceiving the miserable man was short and simple. In compliance with the suggestion of Clive, Scrafton said: 'Omichund, the red treaty is a trick; you are to have nothing;' and he needed not to say more. The senses of Omichund had fled; he fell back into a swoon, from which he recovered only to linger out the remnant of his life in a state of idiocy."

This was, in fact, the foundation of the great empire of England in Hindostan. Many an English moralist has visited this process of acquisition—the only one, perhaps, of the kind in all history—with that indignant reprobation, which costs nothing but well-turned periods. From that time, the English Government has been the sovereign of Bengal. But where is the Englishman, moralist or statesman, writer or politician, who has ever proposed to surrender this territory, acquired by forgery, or to redeem the national character from the charge of participating in the crime, by rejecting the benefit it brought with it? So much for coats of arms. I commend this incident to the Herald's college.

But to return to the charges of cruelty which have been made against our army in Mexico. No one believes them, or has repeated them. We are all equally free from that reproach. But there have been many allusions, exaggerated ones, it appears to me, to the terrible calamities, which our war has inflicted upon the Mexican people, and which elsewhere might be quoted as corroborative proof of the alleged misconduct of our soldiers. I would not stop to quarrel with mere figures of rhetoric, nor would I apply any severe canons of criticism to extemporaneous debates like ours, where much is said in the heat of discussion, that our cooler judgment does not approve, and said, too, in stronger language, than we design to use.

In illustration of these remarks, I will read a short extract from a speech of an honorable Senator upon this floor, who, in all the qualities of head and heart, that give worth and eminence in public or in private life, is inferior to none of his associates:

"We hear of an intention to strike outraged Mexico in

yet more vital points—we do not arrest it. We suffer the expedition to go on. Before the Mexican blood is yet dry upon the fields of Palo Alto, Resaca de la Palma, Monterey, and Buena Vista, Vera Cruz is bombarded. Her churches fall under the dreadful aim of the mortar—the blood of her women and children runs in streams through her before peaceful and happy streets—her almost every thoroughfare is obstructed by the mangled bodies of her slaughtered citizens, until at last, her valor can hold out no longer before the mighty and crushing power of our arms. She surrenders. Yet still our vengeance is not glutted. Innocent, unoffending, outraged Mexico has yet more cities to be laid waste or conquered—more hearts to be wrung—more gallant blood to be shed—more women and children to be slaughtered—more agony in every form to suffer. We have not yet had our fill of blood. We march on in fiendish progress. At Cerro Gordo, Churubusco, Chapultepec, Molino del Rey, our march of slaughter is renewed, and goes on with yet more fearful violence. Mexican blood waters every plain. The cries of Mexican agony startle every ear, and still the work goes on. We lay siege to the city of Mexico itself—bombard its peaceful dwellings—make her streets to run with human blood, and slaughter again women and children, until resistance becomes unavailing. We get possession of the capital, and yet carry on the contest. Sir, can our country have done such deeds? Is she so deeply steeped in crime? Has she no honor left? Are we Christian and civilized men, or are we robbers and murderers? I hope she will pardon me the inquiry; and yet if the war was unjust, if it was not provoked, if it was our act, and not the act of Mexico, every human heart, animated by a single human feeling, can but answer in the affirmative.

"But no, sir; no, sir, it is not so. She is high-minded, just, and honorable. She is civilized, not savage. Her citizens are moral and Christian. Those scenes are in the eye of God and man to be justified, because necessary to our honor, and forced upon us in vindication of our violated rights. Mexico is answerable for all these sad and sickening results. The war is just because she commenced it. It does exist by her act, and, so help me God, but for that conviction, as I reverence truth and detest falsehood, I would never have voted for the act of the 13th May, 1846.

"These scenes," says the honorable Senator, "are in the eyes of God and man to be justified, because necessary to our honor, and forced upon us in vindication of our violated rights."

Mr. President, we have a far better justification than belligerent necessity for our conduct in Mexico, and that is, that these scenes as described, did not and could not occur there. The colors are too dark, and the picture not true to nature. And no one, sooner than the Senator himself, will be rejoiced at an opportunity of correcting any misapprehension, to which the strength of his language may have exposed his meaning.

Now, sir, I put it to the honorable Senator and to the Senate, whether such vivid descriptions as these are not calculated to do us injury in the eyes of the world? Whether they will not be transferred to the other hemisphere, and swell the catalogue of calumnies, which intolerance, both political and social, is pouring out against our country? I have made a good deal of inquiry upon the subject, and I am perfectly satisfied, that the evils which the progress of our arms has inflicted upon Mexico are far less than ever before attended the operations of a hostile army. It would be folly to deny, that war brings calamities enough, under the most favorable circumstances; where even the discipline of an invading army is the sternest, the disposition of the commander and of the officers the best, and the measures to repress unnecessary violence the promptest and the most efficient. But I religiously believe, that the injuries we have committed in Mexico (and I have taken some trouble to ascertain the truth) have been less, far less, than ever followed in the train of any army, that ever went forth to foreign war. I have run my eye over several pages of history, (cursorily, indeed, but carefully enough



for my purpose,) to ascertain what has been the conduct of other nations in similar circumstances, and how far they have carried their forbearance, either in the exciting operations of a campaign, or after victory had crowned their exertions. I have not omitted, in this search, a glance at the military history of England, whence the first stone is always thrown at us, and who, guiltless herself of ambition and oppression, is the self-constituted judge, I was about to say, but I correct myself by saying, the condemner of this country, past, present, and to come.

And now what says the record of human wars? I have collected, Mr. President, from the records of history, several instances of the extreme cruelties and sufferings, which have attended warfare, from the period described by the Jewish historian, when "they took all his cities at that time, and utterly destroyed the men, and the women, and the little ones—of every city they left none to remain"—down to the last continental war, which ravaged Europe. I shall content myself with a brief reference to some of them.

Louis the XIV. laid waste the Palatinate; and men, women, and children were driven in a severe season out of their habitations, to wander about the fields and to perish of hunger and cold, while they beheld their houses reduced to ashes, their goods seized, and their possessions pillaged by the rapacious soldiery.

At the siege of Prague, by the philosophic Frederick, twelve thousand famished, houseless wretches were driven out by the Austrians, but were compelled by the Prussians to return, in order that an increasing famine might force their enemies to a more speedy surrender. More than one hundred thousand bombs and red-hot shot were thrown into the city, and upwards of nine hundred houses reduced to ashes.

In the invasion of Prussia by the Russians, in 1765, they hung innocent inhabitants from the trees, tore out their hearts and their intestines, ripped open their bodies, cut off their noses and ears, broke their legs, fired villages and hamlets, formed a circle around the burning houses, and drove back their fleeing inmates into the flames.

An officer serving in the French army, in 1757, says, "the country is plundered and laid waste for thirty leagues around us, as if fire from heaven had fallen upon it. Our soldiers plundered, murdered, and committed all sorts of abominations."

The history of the English sieges in Spain and Portugal, contain terrible narratives of human suffering. I will merely quote the remarks of Colonel Napier, the historian of Wellington's campaigns, upon the capture of San Sebastian. "This storm," says he, "seemed to be the signal of hell for the perpetration of villany, which would have shamed the most ferocious barbarians of antiquity. At Ciudad Rodrigo, intoxication and plunder had been the principal object; at Badajos, lust and murder were joined to rapine and drunkenness; but at San Sebastian, the direst, the most revolting cruelty was added to the catalogue of crimes. One atrocity, of which a girl of seventeen was the victim, staggers the mind by its enormous, incredible, indescribable barbarity."

So much for an English siege. Let another passage describe the progress of an English army. "On this occasion," says Colonel Napier, that is,

on the first day's march of the English army from Madrid, "there was no want of provisions, no hardships to exasperate the men, and yet I, the author of this history, counted on the first day's march from Madrid seventeen bodies of murdered peasants."

Such is war in the Old World. God forbid that horrors like these should accompany its progress in the New! No man who has the slightest knowledge of the American character can believe that such atrocities have ever been committed by our troops. Where are the burning cities behind us? The desert country before us, abandoned at our approach? The devastation and oppression around us, marking at the same time our power and our cruelty? We can say it in a spirit of truth and not of national vanity, that such scenes have no place where our armies march. Though my convictions on this subject are as strong as convictions can well be, yet I have not hesitated to fortify them with all the information I could procure here. I have inquired of many gallant officers, who have visited us what has been the conduct of our troops in Mexico, and I have received but one answer, and that expressed in the strongest terms, that no men could have behaved better under the circumstances in which they were placed. Such is the testimony of General Quitman, of General Shields, of Gen. Pierce, of Col. Harney, Col. Garland, Col. Morgan, Colonel Moore, and others. I name these names, because they are known to the whole country, and those who bear them, have also borne distinguished parts in our operations in Mexico, and have been in the best situation to ascertain the truth. They have authorized me thus publicly to appeal to their testimony, and I believe I understood from all of them, that they were not aware of an instance of private assassination by an American soldier in Mexico. Offences against persons are almost unknown, and the Mexicans themselves find and acknowledge this foreign armed government better and more equal than their own, which it has replaced. General Pierce informed me he did not believe, that in the march from Vera Cruz to Puebla, damages to the amount of five dollars were committed and left unpaid by his column of twenty-five hundred men. General Quitman was the military governor of Mexico, and well acquainted, therefore, with its internal police, and he says our soldiery is as regular there as in one of our own cities. General Shields, in a note to me on this subject, says:

"In reply to your inquiries, touching the general conduct of our troops in Mexico, I can briefly state, that in my opinion, our army has been more distinguished for magnanimity and humanity, than even for bravery. In Mexico this has been freely acknowledged on all occasions, both by foreign residents and natives. No other army, it is admitted, ever behaved so well under similar circumstances."

Colonel Garland says:

"It is scarcely possible that the army which marched from Vera Cruz and entered the city of Mexico in triumph could have been guilty of any outrage upon unoffending people, without its coming to my knowledge. Everything taken on the march and in the various towns occupied by our troops, was uniformly paid for by order. Many of the most respectable inhabitants have remarked to me, that they felt greater security, both for their persons and property, whilst their towns were occupied by American troops, than they had formerly enjoyed for a quarter of a century."

Colonel Morgan in a note also says:

"The conduct of our troops in the field having become a subject of misrepresentation, I respectfully place at your dis-



posal a few facts, which fully refute the charges of the enemies of our country, whether made at home or abroad:

"Our people have greater cause to be proud of the magnanimity of the American commanders and their troops after victory, than of their valor during the battle. It is an every day scene in the field to see an American soldier, in the heat of battle, kneel down beside his wounded enemy and give him water from his canteen, and share the last morsel of his biscuit with his prostrate foe.

"In European warfare the history of the storming of a city is at the same time a history of its pillage. What are the facts in regard to the storming of Mexico? Although the enemy had infamously violated the armistice of Churubusco; and afterwards, on the bloody field of Molino, they mangled and murdered our wounded officers and soldiers when too feeble to defend themselves; notwithstanding all this, our soldiery *resented* the barbarity of their enemy by protecting their property from the pillage of their own leperos.

"Innumerable instances might be given of the forbearance of our troops, but I will give but one or two.

"A company of the 6th infantry, in cutting its way through a house, entered a room containing an open box of gold coin. The American soldiers occupied the room, passed through it, and not a dollar was touched. On the same night a party of our troops discovered a box of gold addressed to a Mexican; they immediately reported the fact to their officer, and he placed the box in charge of a foreign minister to be delivered to the owner. This conduct excited the astonishment of the Mexican, and in a public card he expressed his admiration of the forbearance of the American troops.

"Our army has ever esteemed generosity as a nobler virtue

than courage; and if it boasts at all, it is of its humanity, not its prowess."

These are bright testimonials. Honors thus won and worn by our gallant citizens are dearer to their countrymen, than the glorious exertions of the battle-field, or the victories that have crowned them.

Incidents, like these described by Colonel Morgan, have been related to me by other officers, and they better illustrate the present topic, than any panegyric, however warm, or any description, however graphic. A Mexican horseman rides over the battle-field, thrusting his lance through the helpless wounded, gleaming, with savage ferocity, in the harvest, where the Great Reaper himself had passed and spared; while the American soldier, in the same scene of carnage, stoops down, and raising his prostrate foe, pours the contents of his canteen into his parched lips, and recalls his fainting spirit to bless the generous enemy. This picture is at the same time a bright and a dark one, but it marks, both now and forever, the characteristics of the two armies, and I commend it to all who doubt the humanity of the American soldier, or the cruelty of the Mexican.

## APPENDIX.

Some authorities are here subjoined, tending to illustrate the positions taken on one side or the other of the question of the power to levy contributions in an enemy's country. The Senator from Massachusetts [Mr. WEBSTER] thus spoke of the right of the President to cause to be collected contributions upon imports into the Mexican territory:

"The honorable member from Michigan supposes that this levying of taxes and impost in the territories of Mexico, by the authority of the President of the United States, is an act of war. It is no such thing.

"Mr. CASS, (in his seat.) It is a right of war.

"Mr. WEBSTER. It is no such thing. It is neither an act nor a right of war, according to the law of nations. He calls it a contribution. It is no contribution."

This is pronounced positively, if not authoritatively. But what says James, a standard author? "*Contribution*, in military history, is an imposition or TAX paid by countries who bear the scourge of 'war,' &c. There are numerous other authorities to the same point, showing (what, indeed, common sense teaches) that any tax, imposition, or other means of raising money in an enemy's country, is a contribution.

The same Senator says: "I want to know how the President of the United States can overturn the revenue law of Mexico, and establish a new one in its stead, any more than he can overturn the law of descent, of property, the law of inheritance, the criminal code, or any other portion of the Mexican law." This question may well be answered by another: How can the President of

the United States overturn the law of Mexico, which secures protection to the persons and property of her citizens, and provides safeguards against violence of all kinds? And yet these laws are overturned, and the gentleman concedes that many acts of violence may be committed. The true answer to such questions, however, is, that these laws are not overturned by the President, but by the rights of war. *Inter arma silent leges*—laws are silent among arms—is a maxim as old as war. Laws are prostrated before invading armies, and the invader may revive them or establish his own, at discretion.

A distinction was also taken during this discussion, which will appear in the following quotation from the remarks of the distinguished Senator from South Carolina:

"Now, if you mean that an army in operation can seize provisions of every description, means of transportation, and so on, I never denied it; but if you mean to say, that after the country is conquered, the commander-in-chief may levy either taxes or contributions, I deny the doctrine altogether."

This distinction is untenable in principle, and contradicted by practice. The rights of an invading army result from a state of war, and continue as long as that state continues. While occupying an enemy's country, it may derive its support from the enemy's means by forced contributions; and nothing but a treaty of peace, or an abandonment of the country, determines this right. Why, what sort of a conquest must that be, which would compel an invading army to depend upon its own resources? Mexico is not conquered in any proper acceptance of the term. A large por-



tion of her territory has never been occupied by our forces; and where these are at present stationed, they are liable to daily attacks, and armed parties of the enemy are constantly around them. When conquered, says the honorable Senator, contributions must cease. This is, in fact, to say, that they shall not be imposed at all; for they cannot be imposed upon a resisting people, with whom the contest is yet going on; and precisely when resistance ceases, the right also ceases. But, sir, the history of modern Europe shows full well, that this right of contribution is everywhere recognized and practised, and that it continues in full vigor as long as an invading army occupies a hostile country. And it is apparent, on the slightest consideration, that such should be the case. It is the unjust conduct of the enemy, which has brought on all the exertions and expenses, that have marked the present contest with Mexico; and our right to remuneration continues as long as they continue, and that of course must be until the war is terminated.

Burlamaqui says:

"Let us add, that the Power which takes up arms justly, has a double right over the enemy: first, the right of taking possession of what belongs to it, and which the enemy refuse, to which must be added the expenses incurred in obtaining that object, the expenses of the war, and reparations for damages; for if it were obliged to support its losses and these expenses, it would not obtain all that was due to it."

"For the pillage of a country, there has been substituted a usage, at the same time more humane and more advantageous to the sovereign who makes war—it is that of contribu-

tions. Whoever carries on a just war, has the right to make the enemy's country contribute to the support of the army, to all the expenses of the war. He obtains thus a part of what is due to him, and the subjects of the enemy, submitting to these impositions, their property is secured from pillage, and the country is preserved. But if a general wishes to enjoy an unspotted reputation, he ought to moderate the contributions, and proportion them to the ability of those on whom they are imposed."

Vattel says:

"We have a right to deprive our enemy of his possessions, of everything which may augment his strength, and enable him to make war. This every one endeavors to accomplish in the manner most suitable to himself. Whenever we have an opportunity, we seize on the enemy's property, and convert it to our own use; and thus, besides diminishing the enemy's power, we augment our own, and obtain at least a partial indemnification or equivalent either for what constitutes the subject of war, or for the expenses and losses incurred in its prosecution—in a word, do ourselves justice."

Vattel further says:

"Accordingly, nations have ever esteemed conquest a lawful title; and that title has seldom been disputed, unless where it was derived from a war not only unjust in itself, but destitute of any plausible pretext."

"The whole right of the conqueror," says the same distinguished writer, "is derived from justifiable self-defence, which comprehends the support and prosecution of his rights. When, therefore, he has totally subdued a hostile nation, he undoubtedly may, in the first instance, do himself justice, respecting the objects which had given rise to the war, and indemnify himself for the expenses and damages he has sustained by it; he may, according to the exigency of the case, subject the nation to punishment, by way of example; he may even, if prudence require it, render her incapable of doing mischief with the same ease in future."



